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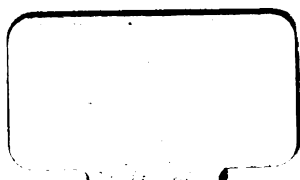
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THE „CASE  
FOR  
HOME RULE

BY  
JUSTIN HUNTLY MCCARTHY / M.P.



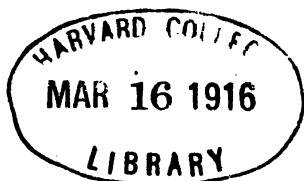
'THEY SHALL NOT BE ASHAMED WHEN THEY SPEAK WITH THEIR ENEMIES IN THE GATE'.

London  
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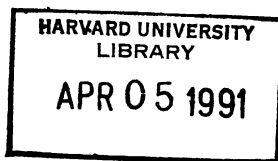
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# HOME RULE



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TO THE  
RIGHT HON. JOHN MORLEY, M.P.

I DEDICATE

THIS BRIEF IN THE CASE FOR HOME RULE  
AS A SLIGHT TRIBUTE OF GRATITUDE AND REGARD



## PREFACE.

THE fluttering spirit of Liberal Unionism has been much cheered by Mr. Dicey's volume, 'England's Case against Home Rule.' Had this volume been some special and heaven-sent revelation hurled from the very clouds against the advocates of Home Rule in England and Ireland it could scarcely have been welcomed with greater exultation. Liberal Unionists on the one part and Conservatives of all shades—and the shades are many—on the other, have racketed with Mr. Dicey's pages as eagerly as the devils in 'Don Quixote' racket with the romance. They have barbed their speeches with its arguments, pointed their perorations with its choicest passages, and smitten at all opposition in Mr. Dicey's name and with Mr. Dicey's volume. Mr. Dicey's is a very serviceable name; it is the name of a man of good repute in his own learning, but it is not the sort of name to conjure thus comprehensively with. Nor is the book itself as resistlessly convincing as Lord Hartington's

followers would have us believe it to be. Like the 'Book of Mormon' or the 'New Koran' and kindred creations, its inspirations and its authority are chiefly visible to the eyes of the true believer. But the 'Case of England against Home Rule' could hardly find a better champion than Mr. Dicey. He has made the very best of a bad brief; he has argued his case in a manner eminently calculated to appeal to a certain kind of tribunal, and he has furnished the self-styled 'Unionists' with the most serviceable argumentative weapons that have yet been offered to them.

Mr. Dicey starts with a distinct platform. While he in no sense avows himself indifferent to the welfare of Ireland, it is the welfare of England which specially concerns him. It is his argument that the concession of Home Rule to Ireland in any shape or form must be inevitably injurious to England and in consequence to Ireland also. But this is the very point which Home Rulers, English and Irish, most strenuously contest, and this is the very point which Mr. Dicey has wholly failed to make good. If, indeed, Home Rule were proved to demonstration to be injurious to England, Irish advocates of Home Rule could scarcely expect to find much sympathy and aid from Englishmen even for a cause so strongly backed by justice.

But the Home Rulers of England and the Home Rulers of Ireland do not merely steadily deny that the

concession of the proposed measure of self-government to Ireland would be in any sense a danger to the safety or the welfare of England; they confidently maintain—and it is the strength of this confidence which has won so many thousand supporters of Home Rule in England—that the principle involved in Mr. Gladstone's proposals will add in a remarkable degree to the power, the welfare and the safety of England, while it changes Ireland from a discontented and therefore disaffected enemy to a grateful and a faithful friend. They wish, in the immortal words of Burke, to 'have as close a union of interest and affection with Ireland as they can have, and that, they are sure, is a far better thing than any nominal union of Government.'

Mr. Dicey defends for his friends the 'nominal union' which has for eighty-six years been the fruitful source of misery to the Irish people and an endless danger and vexation to the English people. The followers of Mr. Gladstone wish with Burke to build up a real union 'of interest and affection' with Ireland. In that purpose, in which justice and expediency, prudence and generosity, a wise regard for the welfare of a great empire and a sympathetic appreciation of the wants of a neighbouring people go hand in hand, they are daily drawing nearer to success.

Mr. Dicey's book, as the only serious presentation of the case against Home Rule, calls for the serious considera-

tion of those against whom it is chiefly levelled. A volume ushered into the world with so much ceremony, accepted as a sort of gospel by a certain party, and affecting to be so sweepingly destructive of a great cause, demands a patient consideration. The book is in some sense a challenge, and I have ventured to lift the glove. Perhaps I should scarcely have so ventured if I had known earlier of Mr. Morley's purpose, but I was only aware of his intention of replying to Mr. Dicey in the pages of the *Nineteenth Century* when I was within measurable distance of the end of my own work. While, however, this book is intended in the main as a reply to Mr. Dicey's volume, it is not limited solely to that purpose, but is meant at the same time to set forth the real meaning of the movement for Home Rule, the meaning which Mr. Dicey has set himself to obscure and the movement which he has striven to retard.

Mr. Dicey argues, avowedly, purely from the English side of the question, and he can hardly be blamed therefore for 'having no special knowledge of Ireland' and for advocating no 'new specific for the cure of Irish discontent.' He would scarcely have written the chosen text-book of Pseudo-Unionism if he had the one; he would scarcely recommend himself to the party of which he is now the prophet and preacher if he troubled himself about the other.

Home Rulers, however, who have some special know

ledge both of England and of Ireland, who believe that the genius of Mr. Gladstone has discovered a specific for the cure of Irish discontent, and who entertain the firmest convictions that Home Rule for Ireland involves neither dangerous nor fatal innovations of the Constitution of Great Britain, will not be much alarmed by the arguments which Mr. Dicey has so elaborately arrayed. Like the armed figures which guard hidden treasure in so many Arabian stories, their aspect is menacing and even alarming, but when they are boldly confronted they lose all their terrors.

JUSTIN HUNTLY M<sup>c</sup>CARTHY.

*February 1887.*







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# THE CASE FOR HOME RULE

## CHAPTER I.

### THE NATURE OF THE ADVERSE ARGUMENT.

‘My aim,’ says Professor Dicey, ‘is to criticise from a purely English point of view the policy of Home Rule,’ and to prove that any system of Home Rule would be ‘less beneficial to Great Britain . . . than is the maintenance of the Union, and is at least as much opposed to the vital interests of England as would be the national independence of Ireland.’

This argument is to be pursued ‘without any appeal to prejudice, passion, and sentiment ;’ and, to do Mr. Dicey justice, he has generally kept his word. Indeed, there is something almost suspicious about the ostentatiously passionless manner in which Mr. Dicey conducts his argument. A man who reasons so coldly upon a subject over which so many thousands are more or less stormily contending is eminently calculated to impress a certain class of mind with admiration. A Homeric

fight is raging, but Mr. Dicey has deftly withdrawn the body of Patroclus from between the feet of the foemen and devotes himself to its dissection and to a truly professional dissertation upon the subject. There is a composure about the proceeding which savours of superior wisdom. Here is a man, say Lord Hartington and his friends, above the common order; so cool a critic, so passionless a professor, must surely be in the right. Whether, however, this studied composure of language is united with an equal composure of thought remains yet to be seen.

Mr. Dicey's attempt, in the very fore-front of his argument, to identify the term 'Nationalist' as meaning an Irishman who wishes Ireland to be an independent nation is both misleading and inaccurate, and shows in itself a curious ignorance of the very conditions of the problem which he has set himself to discuss. The members of the Home Rule Party in the House of Commons call themselves, and rightly call themselves, the Nationalist Party, but they do not demand for their country complete separation from England. An Irishman may be a 'Nationalist' and yet may not believe that entire separation from England would be possible for Ireland, or would be either for her good or for the good of England. I do not say—it would be absurd to say—that there are not Irishmen who eagerly desire the complete political separation of the two countries; Irishmen whose eyes are hot to see an Irish flag flying over an independent Irish nationality. To such men Mr.

Dicey accords his respect, and such men deserve all respect from friend and foe. What Englishman will blame any Irishman for wishing that it were possible for his country—for the country which he so dearly loves, to, in the words of one of the bravest and the most unhappy of her children, take her place among the nations of the earth? They are but wishing that fortune had accorded them the same destiny that it has accorded, with full hands, to England.

But the advocates of Home Rule, the members of the Home Rule Party, do not ask for, and, which is more important, do not dream of such a state of things. The Irish people have been called, and happily deserve to be called, a sentimental people; but they are also a shrewd and practical people, and they recognise the limits between the possible and the impossible as clearly as an Oxford professor. The separation of Ireland and England is practically an impossibility, and would not be advantageous for either country, even if it were possible. The geographical contiguity is one argument, the community of language is another; for with all my affection for the ancient and still vital Gaelic speech, I do not believe it will or would wisely become the vernacular of Ireland. The common interest is a third. Cæsar's famous boast that he would rather be the first man in a village than the second man in Rome deserves the epithet of 'thra-sonical' which Rosalind applies to another utterance of the 'hook-nosed fellow of Rome.' The Irishman who loves his country dearly, and sets her welfare first of

all things, may well believe from his heart that it would be infinitely better for her to be a member of a great empire upon equal terms than an independent State in the position of, at the worst, Andorra, and at the best Belgium. As a member of an illustrious confederation that stretches about the world Ireland may well be proud of equal rights in the empire of Great Britain. But those equal rights she has not yet had ; it is those equal rights for which we seek ; it is those equal rights which make the very idea of separation an impossibility.

Mr. Dicey begins his discussion of a great question in an 'abstract and logical manner' by a curiously illogical piece of reasoning. The unimpassioned student of Home Rule, according to Mr. Dicey, 'is not concerned at all with the conduct or character of legislators.' His concern 'is with the merit or demerit of a legislative enactment.' Then comes the inevitable thrust at Mr. Gladstone. 'Mr. Gladstone's motives may be the highest which can be ascribed to the Premier' (it is curious to find so accurate a man as Mr. Dicey, even in his second edition, still regarding Mr. Gladstone as the *de facto* Prime Minister) 'by the voice of admiring friendship, or the basest which can be imputed to him by the unfairness of political rancour. In any case they are irrelevant to the matter in hand. An unwise measure will not become a beneficial law because its author is a saint or a patriot ; a statesmanlike law will not turn out a curse to the country because its defender is an intriguer or a traitor.'

One thinks involuntarily that the powers of reasoning have been oddly appealed to by Mr. Dicey when he penned these astonishing sentences. The doctrine, if doctrine it can be called, which the sentences do lay down, is that a good law may be passed by a bad man and a bad law by a good man.

This is simply a truism of the most valueless kind, but the argument which it supports is amazingly fallacious. The defence of the Home Rulers of England is not at all that because Mr. Gladstone is either a saint or a patriot therefore the Home Rule Bill or the Home Rule principle is advantageous. They argue, and argue with considerable reason, that in the course of a long career Mr. Gladstone has been again and again associated with great movements of reform—that he has time and again been the originator or the principal supporter of innovating measures which have proved to be of the utmost service to the State; and they note too, not without satisfaction, that each of those reforms was attended by the same attacks, by the same alarming prognostications of the imminent deluge, by the same fierce denunciations. Of course, if the Home Rule measure be a bad one the previous services of the statesman who has created it will not at once transmute its leaden metal into gold. But it is distinctly unfair to suggest that a perfervid belief in Mr. Gladstone's saintship or patriotism is guiding English Radicals of the type of Mr. John Morley, Mr. Bryce, or Mr. Labouchere. Let us drop the saint and patriot, and adopt a homelier line of argument.



The bootmaker who has turned out good shoes for a dozen years may not unreasonably be counted upon to turn them out still ; and it need be matter of no surprise if his customers are on the whole inclined to accept his wares with approval.

On the same page Mr. Dicey appeals to his readers to apply academic tests to the events of 1886 with the same coldness and composure that we should preserve in applying similar tests to the events of previous periods. Let us, he argues, estimate the present by the past, and evolve the fortunes of the present struggle from the records of similar struggles now extinct. By all means ; but the results of any such process, purely ' class-room ' though it be, and free from all suspicion of the Tea-Room or the Terrace, will hardly be found to tend to the bettering of Mr. Dicey's case.

Let us, to go no further back than the present reign, look at the roll of great reforms since 1837. In every instance reform was denounced as innovation, as subversive and destructive, and all the rest of it, by the traditional and persistent opponents of reform ; in every instance the reform was carried, frequently in consequence of the sudden conversion of those very antagonists ; and each reform has appeared to its succeeding decade as an inevitable evolution of civilisation, the struggle against which reads like the fight of Ahriman against Ormuzd, of darkness against light. The Tory party, to which it would seem that Mr. Dicey ought to belong, or the non-Radical party, to which he certainly belongs, and which has of

late numbered on its roll some remarkable adherents—has always combated progress tooth and nail. What, one asks with wonder, would the world—would England—be like to-day if the Tory party had proved invariably triumphant instead of invariably unsuccessful in the annals of the Victorian age? We should be living now in a state of Chinese isolation—if indeed the epithet ‘Chinese,’ as applied to such a condition of torpidity, of mummification, be not an insult to the Celestial Empire. The history of the Victorian age is the history of the steady progress of Radical ideas against Whig and Tory obstinacy. I suppose there are few Tories of to-day who would really like to see England swept back to the days before the first Reform Bill; who would like to revive the Corn Laws; who would like in all the hundred and one ways to put back the hands of the clock and reduce England to the level of Dahomey. Mr. Dicey’s defiance is freely offered: let it be as freely accepted. Read over the history of the various great reforming movements of the Victorian age; their story is in one respect curiously monotonous, but its monotony makes for us. Every reform has been opposed in the same way, with the same stubborn Conservatism, with the same blind antipathy to progress; in every case Conservatism, in its widest sense, has likened itself to Balaam’s ass, and seen an angel in the roadway. Unlike the honest ass of the son of Beor, however, Conservatism has proved its angel to be as shadowy an apparition as the spirits of Glendower, and reform has ridden its road in triumph. If, therefore, we

compare the great reform movement of Home Rule with any of the great reform movements which have preceded it for the last half-century, we shall be fully justified in assuming for it as honourable a case and as successful an issue.

X Mr. Dicey's next step is to protest against invoking the spectres of past ages. What, he asks, have the sack of Drogheda and the violated treaty of Limerick, the repression of the rebellion of '98, or the corruption which destroyed the Parliament of Ireland, to do with the matter in hand? The only answer possible is that all these events have a very great deal to do with the matter in hand. Surely so unacademic an argument was never born of the sweet stillness of class-room cogitation; surely the peace of the professorial pulpit has never engendered a more amazing thesis. The events in England fifty-five years ago are, according to Mr. Dicey, to be of the utmost importance in guiding our minds, but the long roll of events in Ireland for generation upon generation, for century upon century, are to be of no importance at all—are to be daffed aside as lightly as if Ireland, like a volcanic island, had been evolved from the troubled ocean only the day before yesterday. Would Mr. Dicey, as a student of history, maintain that the previous history of the relations between Turkey and Greece had nothing to do with the question of the settlement of the Hellenic claims at the Congress of Berlin? Would he consider that the episodes of the Indian Mutiny have, or ought to have, no bearing

upon an English statesman's attitude towards India? Would he maintain that York Town and Saratoga, that 1814 and the Alabama award, should count for nothing in the treatment of a refractory colony on the one hand or the advocacy of the rights of search and the fostering of hostile gunboats against a friendly State on the other? Mr. Dicey's opponents must wish to preserve throughout the serene moderation which Mr. Dicey desires, and which to some extent he practises; but a proposition so preposterous taxes moderation sorely. All that history teaches is to be ignored, to be wiped away, and a quarrel as old as the hills is to be investigated as if it were a mushroom controversy born of conditions that only came into existence the week before last.

Let me hasten here to admit that I am aware that Mr. Dicey is arguing from an English point of view alone; that he may, if he pleases, assert that an abstraction like justice does not come within the scope of an academic argument; and that whether Ireland was dragooned out of her rights, and her Parliament drugged out of existence, has nothing to do with the question whether Home Rule ought to be given to Ireland now or no. I hope to show later on that there is some such connection between the past and the present as may serve to make the Home Rule scale droop to England's advantage. In the meantime I will content myself by saying that to consider the latest link in an historical chain, while steadily refusing to take into consideration

any of the preceding links, is uncommonly like preparing to make a chemical analysis while remaining ignorant of the fact that water is no longer esteemed an element.

There is one eminent and of late days even acrid Unionist who does not, or did not, share Mr. Dicey's historical heresy. 'The present of a nation,' says Mr. Lecky in the introduction to his 'Leaders of Public Opinion in Ireland,' 'can only be explained by its past; and in dealing with strong sentiments of disloyalty and discontent it is of the utmost importance to trace the historical causes to which they may be due.'

There are some succeeding sentences which may also be quoted, because they represent a mood of mind in approaching the Irish question which is so curiously unlike the mood of Mr. Dicey's mind, and for the matter of that of Mr. Lecky's mind in its present agitated and irate condition. 'There are no errors in politics more common or more fatal than the political pedantry which estimates institutions exclusively by their abstract merits, without any regard to the special circumstances, wishes, or characters of the nations for which they are intended, and the political materialism which refuses to recognise any of what are called sentimental grievances. Political institutions are essentially organic things, and their success depend, not merely on their intrinsic excellence, but also on the degree in which they harmonise with the traditions and convictions, and take root in the affections of the people.'

It is worth while noticing in passing, as one small example of the pervading looseness of Mr. Dicey's arguments, that while he protests on one page against 'all the delusions which are the offspring of a misleading attempt to personify nations,' we find him, only six pages further on, supporting an argument of his own by adopting the same misleading tendency to personify nations. If the arguments which apply to individuals may be applied to nations in one instance they may be so in others, and Mr. Dicey is surely not going to be so unacademic as to insist that he alone has the right to decide when such a process of reasoning shall be permissible and when not. After all, and in spite of protest, it is in some degree possible to personify nations; nay, more, it is possible to test the actions of nationalities by the parallel actions of individuals, and to appraise the virtues and the vices of humanity in the hundred thousand by the code of morality which commends or censures the single individual.

'Whether the insurgents of 1641 massacred every Protestant on whom they could lay their hands, or bear only an indirect responsibility for the death of eight or nine thousand men and women, ruthlessly expelled from the lands of which in Irish eyes they were wrongful occupiers, is a question to be settled by Mr. Froude, Mr. Lecky, and Mr. Gardiner; but the barbarities of insurgent Catholics and the retaliatory severity of Protestant victors, which mark the fury of an internecine conflict, removed from us by the lapse of more than two

centuries, have little to do with the practical question whether it be expedient at the present day that the local affairs of Ulster should be dealt with by a Parliament sitting at Dublin, or whether members from Ireland should have seats at Westminster.'

'Have little to do!'—they have a great deal to do with the two questions which, by their air of seeming inappropriateness, Mr. Dicey has somewhat disingenuously tagged on to them. Surely in a country composed partly of Catholics and partly of Protestants it is of the utmost importance to ascertain whether the Catholics and Protestants are likely to get on together. How that knowledge is to be ascertained consistently with a complete ignorance or deliberate ignoring of the previous history of the country passes comprehension. The relationship of Ulster to a Dublin Parliament could hardly be satisfactorily decided upon without some knowledge of the previous history of the province.

Nor is the question of Irish representation at Westminster as wholly divorced from the teaching of previous history as Mr. Dicey would leave us to believe. The condition of the two countries at an earlier time when that condition was realised, the advantages or disadvantages which such a condition of representation brought with it, are of the highest importance in weighing the claims of the various arguments for or against Irish representation at Westminster. The Irish question is an interesting example of causation, and it is of no use for Mr. Dicey or another to draw a line across some portion

of the story, and say to the student, 'Thus far shalt thou go, and no farther.'

Next to historical knowledge, Mr. Dicey dislikes the falsely applied historical method of speaking and thinking of England and Ireland as though they were two human beings, who, on closing a lifelong quarrel, might be expected to entertain towards one another those sentiments of regret, generosity, or gratitude which are proper to men and women, but can only by the boldest of fictions be supposed to enter into the relations between classes or nations.

If Mr. Dicey really maintains that nations are incapable of feeling generosity or gratitude, his studies of history have stood him in little stead. He would scarcely maintain, for example, that France as a whole does not feel something like what we should call a feeling of revenge against Germany; that Turkey does not regret the loss of her dependencies; or, to return to Ireland, that Ireland as a whole did not feel grateful to France for the supposed good intentions of the French Republic and the First Consul, and does not feel grateful to Mr. Gladstone and the Englishmen who follow him. It might be urged that from a strictly 'academic' point of view Mr. Dicey is as much bound to prove—which in the strictest sense of the word 'prove' he would find it hard to do—that sentiments of generosity or gratitude 'are proper to men and women,' as that they are improper to nationalities. But, putting that point aside, it would be difficult, I should imagine, for a high-minded Englishman of the



present day not to feel some shame for the cruelties of Cromwell and for Pitt's corruption of the Irish Parliament, no matter how much he may consider the swording of the one and the bribing of the other inevitable under the conditions.

Arguing on the same lines, Mr. Dicey speaks of the 'absurd demand that the Irish Catholics should put on sackcloth and ashes for the massacre of 1641.' I do not know when or where the 'absurd demand' was made; and the suggestion of 'sackcloth and ashes' is a bit of burlesque which is scarcely in tune with academism. Mr. Dicey will not find historians agreed in taking for granted the 'massacre of 1641.' But if he asserts that Irish Catholics do not regret acts of unjustifiable violence committed by Irish Catholics he is, to put it gracefully, inaccurate.

Mr. Dicey finds it preposterous, also, that 'living Irishmen should be grateful for the well-meant, though most unsuccessful, efforts made by the Parliament of the United Kingdom to govern one-third of the United Kingdom on sound principles of justice.' Here we have an astounding *petitio principii*. Living Irishmen do not necessarily admit that the Parliament of the United Kingdom has endeavoured to govern Ireland on sound principles of justice. That is one of the very points that would be most fiercely contested. Would anyone now maintain that England would govern India on sound principles of justice by binding the Hindoo to a daily banquet of beefsteak cooked by the hands of a Feringhee,

or forcing the Moslem to consume pig offered to him by the left hand of his master? As that is the principle upon which the English Parliament of the United Kingdom has been governing Ireland for so long, it would be unreasonable to expect living Irishmen to be grateful for much of its ministries. But that living Irishmen can be grateful for genuine efforts to redress their wrongs Mr. Gladstone and that vast proportion of the English people who have followed him in his course of justice will, in spite of Mr. Dicey, have every reason to believe.

In fact, Mr. Dicey and kindred frigid reasoners of his school err very grievously in ignoring, or affecting to ignore, the heroic side of humanity. Nations, in defiance of logic and definitions and disciples of the 'practical,' as they are but men in the mass, do very naturally and very distinctly resemble man in the unit, and just as man with his faults and all his follies has in him so much of good, and is, happily for humanity, so readily appealed to by a high ideal and a noble purpose, so are nationalities. 'If you prick us do we not bleed?' are but the poetical words of a single Jew, but they are the plea for a whole oppressed Jewish nation. The defects of the Irish, like the defects of the Hebrew race, are the result of long and cruel oppression. But oppression cannot conquer virtue, and the virtue of gratitude to the just man is strong in Ireland to-day. Let Englishmen be assured that, in spite of the calculations of the classroom, Irishmen are and always will be grateful to the

Englishmen who have striven for them, who sought to bind, and who have succeeded in binding, their hearts together in bonds that are fashioned neither of gold nor of steel.

Mr. Dicey next proceeds to face the second objection that may be raised to his method of dealing with the subject. He denies that the establishment of 'national interest as the test or standard of national policy' either has 'a touch of sordidness and selfishness' or 'implies that statesmanship has nothing to do with morality.'

In order to show how unfounded such an accusation may be, Mr. Dicey proceeds to define what the interest of England really is; and a very involved and astounding definition it is. 'The interest, welfare, or prosperity of England *includes the maintenance of her honour*, the performance of all her obligations, and, above all, the strict discharge of every engagement which she has undertaken towards countries or to individuals.' The voice of the class-room is here engaged in employing abstractions with considerable recklessness. What is the honour of a nation? How are we to test it without returning to that very 'personification of nationalities,' that application of individual morality to agglomerate humanity which Mr. Dicey deprecated so strenuously but a page or two back? It is not honourable to oppress the weak, to grind the poor, to govern one set of men with harsh laws and another with mild, to shut the ears and steel the heart against the appeals of a subject nationality.

For again we must remember that a part of the

'interest' of England is the 'strict discharge of every engagement which she has undertaken towards countries or to individuals.' The most obvious engagement that the dominant country has undertaken towards the subject country is to rule the subject country with justice. So much it may be presumed that Mr. Dicey would admit; indeed, he practically admits as much on a previous page. But in this engagement England has not succeeded, and Mr. Dicey admits this want of success too, when he speaks of the 'well-meant, though most unsuccessful efforts made by the Parliament of the United Kingdom to govern one-third of the United Kingdom on sound principles of justice.' Mr. Dicey cannot say that England has thus far governed Ireland justly; at least, if he did say so he would have against him the verdict of the majority of Irishmen and the majority of Englishmen. Even the most determined opponents of Home Rule do not maintain that England has hitherto ruled Ireland with justice. They do not, that is to say, believe that England has fulfilled her engagement towards Ireland; in other words, they do not consider that the 'interest' of England has been well regarded or wisely served. Whether we accept expediency as equivalent to justice or no matters little. We can at least heartily agree with Mr. Dicey when he asserts somewhat dogmatically—but as we agree with him let that pass—that 'it can be neither the interest nor the duty of any nation to legislate in a way which promotes more of suffering than of happiness.' But the legislation which promul-

gated the Penal Laws, the legislation which ruined the trade of Ireland, the legislation which destroyed the Irish Parliament, produced much more suffering than happiness. Mr. Dicey is a bold and sweeping assertor, but he will scarcely assert that the condition of Ireland for the last century has been a happy one, or that her condition has been the cause of much happiness to England.

But if Mr. Dicey be cornered into confessing that Ireland has been unjustly used, he has another argument at hand. 'A policy opposed to the interests or the welfare of the United Kingdom as a whole, even though it may appear for a moment to favour some particular portion of the State, is, we may be well assured, opposed not only to wisdom but to justice.' Here is one of those sentences with which Mr. Dicey's book abounds, in which the pretext of impassive philosophic impartiality disappears. Of course, if a policy is opposed to the welfare of the United Kingdom as a whole, it is from the point of view of the United Kingdom a bad one. But we, the Home Rulers, do not for one moment admit that the policy of Home Rule is opposed to the interests and welfare of the United Kingdom. Mr. Dicey, of course, endeavours to prove later on that the Home Rule policy is injurious. It is the duty and will be the privilege of the advocates of Home Rule to show that Mr. Dicey and those who think with him are in error. In the mean time it is simply attempting to cut the ground from under our feet to assert that the

Home Rule policy is opposed to the interests of the United Kingdom.

We now come to the third objection which, according to Mr. Dicey, may be levelled against him. 'To look at Home Rule mainly from an English point of view, to criticise it because of its bearing on the interests or welfare of England, is, it may be thought, to treat the whole matter from the wrong side and to betray an indifference to the welfare of Ireland. Home Rule, the objector may say, is a scheme for the government of Ireland. It therefore concerns the people of Ireland alone. It should be subjected to examination from an Irish, not from an English, point of view; and to consider it in any other light is to exhibit in a new form that callous disregard by England of Ireland's claims which has prevented the two countries from blending into one community.'

I cannot say who Mr. Dicey may have had in his mind when he penned these lines, but I certainly have not met the objector of the kind he pictures. No advocate of Home Rule with whom I am acquainted maintains that in asking for Home Rule from England no consideration of England's interest or of the welfare of the empire is to be admitted for one moment into the argument. Even when men demand what they believe to be a right, they are seldom so inspired by a conviction of the influence of an abstract belief in justice as to expect that those upon whom the demand is made will be deaf and blind to their own interests. The advocates

of Home Rule maintain, and maintain with justice, that the concession of Home Rule to Ireland will prove an inestimable advantage, not to Ireland alone, but to England, and through England to the world-wide empire of which England is the head. It is scarcely necessary, therefore, to waste further time over the imaginary objection which Mr. Dicey has conjured up, but which no advocate of Home Rule to my knowledge would raise against him.

A moment later we find Mr. Dicey again revelling in all the freedom of vehement and inaccurate assertion. 'Englishmen,' he says, 'do not believe that Ireland would in the long run gain by the possession of legislative independence. It is not, however, the doubt as to the reality of the blessings to be conferred on Ireland, but the certainty of the injury to be done to England, which causes their opposition to Home Rule.'

Now I must protest here, once for all, against Mr. Dicey's unwarrantable use here of the word 'Englishmen.' It is grossly inaccurate and misleading to assert that 'Englishmen' believe Home Rule would be no gain to Ireland and great loss to England. Mr. Dicey must be aware—the statistics of the recent general election will show him so much—that there are in England a vast number of persons fully entitled to style themselves 'Englishmen' who are very sincere advocates of Home Rule as a blessing for both Ireland and England. That this number is rapidly increasing we may confidently wait for the statistics of the next general election to prove.

Misleading, however, and even dangerous, as Mr. Dicey's desperate assertions are, there is at times a kind of poetic fervour, a rhapsodical inaccuracy, about them which lends them a certain artistic charm, however little in keeping with the cloistered calm of the scholar they may appear to be. When, for instance, he defines on page 17 Home Rule as 'a plan for revolutionising the constitution of the whole United Kingdom,' the patient student of Mr. Dicey's utterances may well pause in wonder. The verb 'to revolutionise' is capable of many interpretations, it is true, but as used in this connection we are inclined to paraphrase for Mr. Dicey a famous question which John Stuart Mill once addressed to a deputation of working men who asked him if he was in sympathy with 'the Revolution.' 'Gentlemen,' said Mr. Mill, 'what do you mean by "the Revolution"?' In the same way, one is inclined to ask Mr. Dicey what he means by 'revolutionise.' One would think, to judge from the manner in which he introduces the alarming infinitive that the Act of Union dated, if not as far back as the Book of Genesis, at least to the days when Domesday Book was compiled. The British Constitution has stood successfully more alarming shocks than the proposal to alter an Act of Parliament which is not yet ninety years old, and which—and this addendum is of the utmost importance—has never for a year, for a month, no, not for a single day, been suffered to exist without protest—indignant, uninterrupted, uncompromising protest—from the people upon whom it was inflicted.



What was the Act of Union itself but a revolution effected in not one, but two Constitutions? Yet it is not on that ground that Mr. Dicey will be found to denounce it. There might be something to be said for Mr. Dicey's protest if he could show that the Act of Union had been passed with the hearty approval and goodwill of the people of Ireland, that no sign of disapproval had since been manifested, and that it had been the means of promoting the fortune and the friendship of the two countries. But as not this, but its very converse, is true, Mr. Dicey's case crumbles to dust. It is little less than ludicrous to expect either Englishmen or Irishmen to recoil awestruck from the possibility of altering a 'Constitution' which is practically a creation of the day before yesterday, and which has never been recognised by one party to the contract. Would Mr. Dicey maintain, for example, that if Russia had by some extraordinary turn of the wheel been able to inflict on England for a season a despotic autocracy, it would be unbecoming of Englishmen to 'revolutionise' that Constitution? Would he maintain the inviolability of all the fantastic Constitutions created by the First Napoleon simply from a fetish respect for a word of five syllables?

For a philosophic writer Mr. Dicey appears to attach an incredible amount of importance to the value of polysyllabic words and sonorous phrases. There is a touch of M. Prudhomme in the alarming emphasis with which he enunciates the purpose of Home Rule 'to revolutionise the Constitution of the whole United Kingdom.' If

we were to substitute for the word 'revolutionise,' which is misleading, the word 'alter' or 'amend,' either of which would be accurate, the sting would be entirely extracted from Mr. Dicey's depreciating sentence. But the advocates of Home Rule in England will not be alarmed by being told that their project is going to 'revolutionise' the Constitution of the United Kingdom. They have heard that prophecy or some kindred horror hinted of every great reform that has been introduced for the last half century. Every measure of franchise reform, every measure of land reform, every measure of Church reform has in turn been declared to be destined to 'revolutionise' something or other, and prelude the decline of England's power and the ruin of her prestige. It is really provoking to the patience to find a serious writer like Mr. Dicey, after announcing his intention of dealing with a great question in a dispassionate and scientific spirit, condescending to delude himself and to throw dust in the eyes of his readers by declaring that the proposal to amend a piece of legislation of practically the day before yesterday, the value of which has never for a single day been left uncontested, is really to 'revolutionise' the Constitution of the whole United Kingdom.'

To 'revolutionise a Constitution' may be a good thing or a bad thing. It seems a good thing in Mr. Dicey's eye when the Constitution to be revolutionised is the Irish Constitution. But he would hardly maintain that it was a good thing when in 1692 the Williamite party drove

the Catholic lords and commons out of the Parliament in which up to that time they had sat. It is worth while remembering that an Irish legislative body would be undoing by its existence not only the criminal blunder of 1801, but also the criminal blunder of 1692.

It may be a good and it may be a bad thing to 'revolutionise a Constitution.' A Constitution is not like the Ark of the Covenant, for no one to lay hands upon. The Constitution of a country, says M. Albany de Fonblanque, is the established system under which its government is conducted. It is defined by Paley to be 'so much of its law as relates to the designation and power of the legislature; the rights and functions of the several parts of the legislative body; the construction, office, and jurisdiction of courts of justice.' Now in all this there is nothing to deprive Englishmen of that right of amending, amplifying, and reforming which they have hitherto so strenuously and successfully practised. There is no occult power lurking in the word 'constitution' which sets it apart and gives anything labelled with it a kind of sanctity. 'Constitution' is to Mr. Dicey what 'remuneration' is to Costard in 'Love's Labour's Lost.' It is a fairer word than French crown, and Mr. Dicey will never buy and sell out of this word.

Further evidence of the singularly unscientific spirit in which Mr. Dicey conducts his inquiry is afforded by the curious manner in which he gets confused between the terms 'Home Ruler' and 'Nationalist.' 'Home Rulers, it must again and again be repeated, demand not

the national independence of Ireland, but the maintenance of the connection between England and Ireland on terms different from the conditions contained in the Act of Union. To keep one's mind clear on this point is of importance, because the result follows that, as already intimated, a whole series of arguments or claims which may fairly be put forward by a Nationalist are not available to Home Rulers.'

Here we have a very glaring blunder in a simple matter of fact. We have already seen that the denial to the Home Rulers of the title Nationalist is inaccurate. The members of Mr. Parnell's party are known, and rightly known, as the Nationalist party, but they do not demand the separation of Ireland from England. It would be, I have said, vain to deny that there are Irishmen with a perfect right to be called Nationalists who do dream of the independence of Ireland, and who do desire to see Ireland separated from England. But none of the arguments which Mr. Dicey attempts to restrict to the exclusive use of the 'Nationalist' of his own creation are in the least degree denied to the advocates of Home Rule. A Home Ruler might base his arguments in favour of Home Rule with excellent logical consistency upon the very reasons which Mr. Dicey puts into the mouth of his impalpable 'Nationalist.' Once for all, Home Rulers are none the less Nationalists because they do not seek for the political separation of the two islands and because they believe an independent isolated Irish monarchy or republic to be a political impossibility.

## CHAPTER II.

## WHAT DOES HOME RULE MEAN ?

THE first duty, says a great writer, of a wise advocate is to convince his opponents that he understands their arguments and sympathises with their feelings. Mr. Dicey is very creditably anxious to convince his opponents that he understands their arguments, however little he may sympathise with their feelings, for he is at considerable pains to set forth at length what he considers to be the arguments of Home Rule, in order to answer them. One of Mr. Dicey's enthusiastic followers has, if I remember rightly, especially commended the author of 'England's Case against Home Rule' for formulating the Home Rule arguments better than the Home Rulers themselves could do. This means to limit the argument to its English arguers, that Mr. Dicey is more skilful in defending Home Rule than Mr. Gladstone, or Mr. John Morley, or Mr. Labouchere, or Mr. Bryce, or any of the other advocates of Home Rule. It further suggests that, as Mr. Dicey is easily able to upset these arguments, he is very greatly superior to Mr. Gladstone and Mr. Morley and all the other English

advocates of Home Rule. Of course Mr. Dicey does not think all this, but he does appear to think that in all instances he has made the best case possible for Home Rule, and has then triumphantly pulverised it. I must confess that Mr. Dicey overthrowing his Home Rule puppets reminds me not a little of Oliver Proudfoot victoriously lunging at his motionless buckler man and congratulating himself upon his bloodless victories.

But the case for and against Home Rule has been argued out before Mr. Dicey girt his armour on. In that very excellent little volume, 'A Handbook to Political Questions of the Day,' by Mr. Sydney C. Buxton, M.P., Mr. Buxton has drawn up a very careful corresponding table of all the arguments in favour of and against Home Rule. Though these arguments may not cover all the ground, they are at once so comprehensive and convenient that I will make even bold to quote them here, where they may serve the purpose of a kind of political overture to the main business of the piece. They present, in a condensed form, a summary of the principal arguments in favour of Home Rule, and serve too as a sort of synopsis of the arguments which Mr. Dicey levels against Home Rule. In their directness and simplicity they may serve as a convenient chart for the explorer of the shoals and deeps, the gulfs and quicksands, of Mr. Dicey's volume. It must be borne in mind, as a further tribute to the impartiality of Mr. Buxton's tables, that they were drawn up long before there was any thought of Mr. Gladstone's measure.

‘It is proposed,’ says Mr. Buxton, ‘to give to Ireland an independent national existence by restoring to her a Parliament in Dublin, which should have power to legislate on and to regulate her home affairs, leaving “Imperial” questions to be dealt with by the Imperial Parliament sitting in London.

‘This proposal is upheld on the grounds—

‘1. That it is desirable to institute some middle course between separation on the one hand and over-centralisation on the other.

‘2. (a) That each country is best able to manage her own domestic concerns, and should have liberty to do so.

‘(b) That it is undesirable for one country virtually to control the domestic affairs of another.

‘(c) And this is more especially undesirable when the two countries differ radically in sentiment, character, and religion.

‘(d) That the control of the domestic affairs of one country by another tends to emasculate its strength and stunt its growth.

‘3. (a) That federalism—that is to say, the separation of Imperial from national and local questions—is the finished production of civilisation and political ingenuity.

‘(b) That federalism is in existence, and works well in many foreign countries.

‘(c) And that parts of Great Britain herself, the Channel Islands and the Isle of Man, are self-governed, without any evil results arising.

‘(d) That the Colonies are self-governed, and yet loyal and prosperous.

‘4. That the vast majority of the people of Ireland detest the present mode of government by England; and to force a system of government on a reluctant people is contrary to constitutional freedom.

‘5. That the present state of affairs constitutes a grave political danger. Even when England is at peace, a large force is needed to keep Ireland in order; in time of war, and especially of defeat, Ireland would welcome a descent of the enemy on her coasts, and willingly allow herself to be made a base for offensive operations. On the other hand, if Ireland were self-governed and content, she would be a source of strength.

‘6. (a) That the action (the legitimate, if mistaken action) of the extreme Irish party in the House of Commons creates grave constitutional dangers, by obstructing legislation, by bringing Parliament into disrepute, by lowering the tone of the House, and by driving from it many useful members.

‘(b) That until Home Rule is conceded, this state of affairs is likely to get worse instead of better. The number of “Parnellites” will increase, and their quality will still further deteriorate as the Irish realise more and more that the best mode of exasperating the English people is to elect members devoid of moderation, modesty, and manners.

‘7. (a) That the present system of centralised—almost autocratic—government in Ireland, however well



administered, is becoming more and more intolerable. Everything is done *for* the Irish people and nothing *by* them.

‘(b) That in Parliament itself those who have least real influence in Irish legislation are the representatives of the Irish people.

‘(c) That more especially in the House of Lords all Irish legislation is thrown out or grievously mutilated.

‘8. That as Ireland has proved a complete failure under English tutelage—the necessity for constant Coercion Acts proves the failure—it is time to try some other plan; nothing could be worse than the existing state of affairs.

‘9. (a) That the present necessity of transacting all Irish domestic concerns in London causes needless expense and vexatious delay.

‘(b) And that it causes the postponement or neglect of many useful and needful reforms, while the interests of agriculture and trade suffer.

‘10. That as the Imperial Parliament is confessedly becoming more and more overweighted with work, the transference of Irish affairs to an Irish Parliament would greatly relieve it, and increase its efficiency for the despatch of business.

‘11. (a) That the existence of an Irish Parliament would in no way diminish the supreme power of the Imperial Parliament. The Irish Parliament would have control only over questions other than Imperial, the prerogative of the Crown would not be affected, and

the real Union of England and Ireland would remain intact.

‘(b) That as the limits and extent of the powers of the Irish Parliament would be strictly defined, there would be no danger of their being overstepped; and there need be no collision with the Imperial Parliament.

‘12. (a) That the concession of Home Rule, by removing Irish grievances, would put an end, once and for all, to agitation for separation. If moderate Home Rule be refused, separation will ultimately be wrung from England—probably at a time of defeat and prostration—for as the great majority of the Irish are in favour of the abrogation of the Union, the supremacy of the Imperial Parliament is maintained solely by the force of English bayonets.

‘13. (a) That the old Irish Parliament, though returned by a corrupt and limited electorate, did a vast amount of useful work, and a successor, constructed on better lines and sounder principles, would be eminently efficient.

‘(b) That even if there were considerable friction and no great success at first—and as the Irish have so long been kept under tutelage they have little idea of self-government, and would have to buy their experience—a satisfactory mode of government would soon be worked out.

‘14. (a) That such a body would tend to attract the best men in the country to its councils; and this would not be the case with smaller bodies.

‘ (b) That, possessed of a Parliament of their own, the Irish would desire to make it a success, and would elect men of administrative and legislative capacity, and not men of the class of the obstructives they (judiciously) send to the English House of Commons.

‘ 15. (a) That an Irish Parliament, by bringing together men of different classes and religions to conduct public business, would largely tend to diminish class and religious hatreds and jealousies, and to knit all parties together into one common unity.

‘ (b) That the different sects in Ireland would be perfectly able to live together on terms of amity.

‘ 16. That by making Ireland more attractive, contented, and prosperous, Home Rule would diminish absenteeism and its attendant evils; would diminish emigration; and would tend to attract capital to the country.

‘ 17. That Scotland has not suffered materially from the lack of Home Rule, inasmuch as Scotch affairs are practically settled by the Scotch members alone.

‘ On the other hand, any concession of Home Rule to Ireland is opposed, on the grounds:—

‘ 1. (a) That federalism is a clumsy system, while centralisation, properly balanced, is the highest form of government.

‘ (b) That the principle of federation is to knit the confederate communities more closely together, whilst Home Rule is intended to relax a pre-existing bond; the one is consolidation, the other disintegration.

‘(c) That between countries so widely differing in sentiment, character, and religion, as England and Ireland, federalism is impossible.

‘(d) That the various forms of federalism existing in foreign countries differ radically from that proposed for Ireland; and there is no analogy between them; while most of these Federations have passed through phases of internal agitation, which, if the federated kingdoms had been in the relative positions of England and Ireland, would have ended in civil war.

‘(e) That the Colonies stand in an entirely different relation to England, geographically and socially, from that of Ireland; the Home Rule they possess bears no analogy to that demanded by Ireland. Not being represented in Parliament, the Colonies must needs possess a large measure of self-government; while Ireland, being vitally interested in all Imperial questions, would never consent to be placed on the footing of a Crown Colony, which governs itself but which is not represented in Imperial matters.

‘(f) That if, by conceding Home Rule to the Colonies, separation were to ensue, it would be a misfortune, but the advantages outweigh the risks; in the case of Ireland the risk is too great to be run.

‘(g) That the Channel Islands, and the Isle of Man, are so small and insignificant, that no possible danger can arise from their exercise of self-government.

‘2. That even with Home Rule, the Imperial Parliament would not be free of the Irish element, which would

have to be represented in Imperial matters ; that thus the Irish would have more than their fair share of political power, while the only condition on which many would assent to Home Rule—to be quit of the Irish members—would not be fulfilled.

‘ 3. (a) That the principle of a federal system cannot be discussed without reference to its details, and the Home Rulers themselves are unable to agree on any one scheme, or to lay down the limits of the power of the Irish Parliament.

‘ (b) That there is thus no finality about Home Rule.

‘ 4. (a) That it would be impossible strictly to define the limits and powers of an Irish Parliament.

‘ (b) For it would be impossible to draw the line between local, domestic, private, and Imperial matters ; and constant disputes would arise on the subject.

‘ (c) That only questions of detail can be settled by local bodies ; questions of principle must be settled by the whole nation on the broadest basis.

‘ 5. That it would be impossible to fix a “ fair ” contribution from Ireland to the Imperial Exchequer ; the amount that might be just one year would not be so the next ; while in years of distress abatement might be demanded, coupled with a refusal to pay ; moreover, the difficulties of fairly apportioning the national debt would be enormous.

‘ 6. That either the Imperial Parliament would overshadow the Irish Parliament, and make it of little account,

or constant conflicts would arise between the two rival bodies.

'7. (a) That the concession of an Irish Parliament would involve the creation of a third, and supreme body, to arbitrate between the two Parliaments in case of dispute ; and this, even if possible, would be inadmissible.

'(b) That this would involve a strictly defined and written constitution for the Imperial, as well as for the Irish Parliament ; inexpedient and impossible to carry out.

'8. That the Imperial Parliament, or the "Supreme Body," would have no means of compelling Ireland to adhere to the terms of the federal compact, except by levying war.

'9. (a) That each concession would lead to further demands, and, if these were refused, the friction between the two countries would be as great as before, and the danger of civil war would arise ; while, if conceded, Ireland would gradually obtain complete independence.

'(b) That the first demand of the Irish Parliament would be for the control of the police and militia, which would have of necessity to be refused ; this would at once cause irritation, and a dead-lock.

'10. That the existence of a powerful central body in Ireland would create a rallying-point for disaffection ; and make an insurrection more formidable than at present.

'11. (a) That there would be no security that matters

vitaly affecting British commerce—lighthouses, buoys, etc.—would be kept in a state of efficiency.

‘(b) That the Irish Parliament—following the example of all young communities—would be protectionist.

‘12. (a) That, thus, Home Rule would seriously menace the integrity of the British Empire.

‘(b) That until it can be satisfactorily shown that the concession of Home Rule will in no way menace the integrity of the Empire, the question is one outside the range of practical politics.

‘13. That Home Rule is only intended as the thin end of the wedge of separation.

‘14. That instead of the legislation of an Irish Parliament tending towards the assimilation of the laws in England and Ireland, it would tend rather towards inequality and anomaly.

‘15. (a) That an Irish Parliament would confiscate all the property of the landlords.

‘(b) That religious antagonism in Ireland is so bitter, that, if control were withdrawn, strife would ensue ; and the Roman Catholics, being the majority, would swamp and oppress the Protestants, and religious hatreds and jealousies would be intensified.

‘(c) That civil war would probably ensue, and we should have again to interfere and take possession, and the last state would be worse than the first.

‘16. (a) That the Irish have never yet shown themselves capable of self-government—as witness the former Irish Parliament.

‘(b) That they have not sufficient regard for life, order, and property, to make them fit for self-government—witness Fenianism, agrarian crime, refusal to pay rent, &c.

‘17. That an Irish Parliament would weaken the self-reliance and self-help of the Irish nation by paternal and charitable legislation.

‘18. That Home Rule would create a feeling of commercial insecurity, and thus capital would be further repelled from Ireland.

‘19. That Scotland is contented and prosperous without Home Rule.’

The clear simplicity of this little chart may be of great service in testing the weakness of Mr. Dicey’s case and the perversity of his method.

‘“Home Rule”—or, to speak more accurately, the policy of Home Rule—means,’ says Mr. Dicey, ‘if we may use language with which we are all familiar in relation to the Colonies, the endowment of Ireland with representative institutions and responsible government.

‘It means, therefore, the creation of an Irish Parliament which shall have legislative authority in matters of Irish concern, and of an Irish executive responsible (in general) for its acts to the Irish Parliament or the Irish people. Hence every scheme of Home Rule which merits that name is marked by three features: *first*, the creation of an Irish Parliament; *secondly*, the right of the Irish Parliament to legislate within its own sphere (however that sphere may be defined), with habitual



freedom from the control of the Imperial or British Parliament; and *thirdly*, the habitual responsibility of the Irish Executive for its acts to the Irish people or to their representatives.'

If we accept these three characteristics as being of the essence of Home Rule, we may be content to set aside for the moment, as Mr. Dicey sets aside, all matters of merely subordinate detail; matters entirely dependent upon the existence of the three given conditions. But, as usual, Mr. Dicey proceeds on his three given characteristics to argue very much more widely than the ground upon which he is arguing or the actual facts of the case give any warrant for. 'A scheme on the other hand, however wise in its provisions, which lacked the essential characteristics already enumerated, would not meet the demand for Home Rule; an Act which did not constitute a Parliament for Ireland could not possibly satisfy the sentiment of Irish nationality; an Irish Parliament which did not habitually, at any rate, legislate with independence of the Parliament at Westminster could not divest the law in Ireland of its "foreign garb"; an executive not responsible directly or indirectly to the Irish people could not give full effect to the legislation of an Irish Parliament, and the existence of such an executive would (if the true ground why law is hated in Ireland be its alien character) only divert popular hostility from the law to the government.'

Now all this paragraph is vague and misleading, its error chiefly arising from Mr. Dicey's perplexity between

the terms Home Rule and National, which he at times appears to consider identical, and at times as sundered as the poles. It is really not for Mr. Dicey to lay down what would or would not 'satisfy the sentiment of Irish nationality.' If the Irish people believed that the justice which they so ardently desire could be better obtained by other means than the establishment of a Parliament, it would be rash to assert that the sentiment of Irish nationality would be prompt to refuse that plan. The sentiment of Irish nationality wishes above all things to secure just laws for the Irish people; to preserve its peasantry from being made the prey of absentee rapacity; to ensure, in short, the recognition of Irish ideas as ideas to be accepted and acknowledged, not to be coerced or ignored, in the administration of Ireland. The system which will secure to the Irish people the same influence in the administration of her local affairs as every state of the American Union enjoys, as England would not dream of denying to her numerous and loyal colonies, as Scotland has always enjoyed,—that system constitutes Home Rule. The Irish people think, and a vast proportion of the English people think with them, that such a system is to be best attained by the re-establishment of an Irish Parliament existing on different lines and under different conditions from that Parliament of the day before yesterday—Grattan's Parliament.

Mr. Dicey treads on trembling ground when he strives to strengthen his argument by the assumption

that law is hated in Ireland because of its alien character. Law has been hated in Ireland not necessarily because it was alien, but because it was persistently unjust; not merely because it was persistently opposed to or indifferent to the wishes and aspirations of the Irish people, but because it was for long enough fashioned with a diabolical dexterity to inflict all possible humiliation and misery upon a subject people.

In that work of remarkable genius, Gerald Griffin's story, 'The Collegians'—a book which fills something of the same place with regard to the Ireland of its time that the Waverley novels do with regard to the Scotland of Sir Walter Scott—there is a passage which will illustrate this point. 'The peasantry of Ireland have for centuries been at war with the laws by which they are governed, and watch their operation, in every instance, with a jealous eye. Even guilt itself, however naturally atrocious, obtains a commiseration in their regard, from the mere spirit of opposition to a system of government which they consider as unfriendly. There is scarcely a cottage in the south of Ireland where the very circumstance of legal denunciation would not afford, even to a murderer, a certain passport to concealment and protection.' In these words we find, indeed, the admittal of what no one seeks to deny—the detestation of English law in Ireland; but we also find the answer to Mr. Dicey's theory that that detestation is caused by the fact that it is alien law. 'Unfriendly' is the adjective chosen with rare felicity by Gerald Griffin to

express the characteristic of English law in Irish eyes. Not because it is alien, but because it is unfriendly, has English law been abhorred in Ireland ; not because it is framed by foreigners in a foreign tongue, but because for so long it was the synonym for all manner of cruelty, grinding oppression, and injustice.

‘Home Rule,’ says Mr. Dicey, ‘does not mean local self-government ; Home Rule does not mean national independence.’

Now let us deal first with the second part of Mr. Dicey’s argument. First we may repeat his own words and say that it ‘needs no elaboration.’ Nobody to my knowledge ever maintained or dreamed of maintaining that Home Rule meant, means, or can mean national independence. But the deductions which Mr. Dicey draws from this persistent assertion of a patent fact are specious and false.

‘To ask for the position of a dependent colony like Victoria or of a province like Ontario’ is emphatically not to ‘renounce the demand to be a nation.’ A nation remains a nation whether it is in terms of partnership with another nation, or for that matter under the most absolute subjection to her. Independent nationality Ireland does not ask for. She did ask for it ; she fought for it ; she has come to believe that it would be, if not impossible, unadvisable, and she has made up her mind to enter willingly into a true alliance with the English Empire. But Ireland will be as national none the less when she has entered into that alliance as she would be national if the existing condition of things were to con-

tinue till the crack of doom. It is little short of absurd of Mr. Dicey to assert that 'a *bonâ fide* Home Ruler cannot be a *bonâ fide* Nationalist.' A *bonâ fide* Nationalist is anxious for the welfare of his nation. He believes that the establishment of Home Rule in Ireland will best conduce to the welfare of his nation, and therefore he is, in spite of Professor Dicey, a *bonâ fide* Home Ruler. I am a Nationalist; I defy Mr. Dicey to say that I am not a Home Ruler. I am a Home Ruler, but I defy him to say that I am not a Nationalist. These wordy quibbles of Mr. Dicey's belong to that very 'inopportune logomachy' which he so vehemently deprecates on an earlier page. The sincere Home Ruler is not in the least afraid of being accused of inconsistency. He knows that he is not inconsistent; he knows that he is firmly armoured in his desire for the peace and welfare of two countries. The Home Ruler may be an Irish Nationalist or an English Nationalist. In either case he renounces no allegiance to his native land or to the traditions of his race by believing that an Irish Parliament and the establishment of the principle of true union between the two countries will be conducive to the highest good to both. You have no right, Mr. Dicey says, 'to expect from any form of State rights the new life which sometimes is roused among a people by the spirit and the responsibilities of becoming a nation.' To this I can only answer, You have every right, if you find that the results are justifying your expectations. The rights that have been conceded time and again to the Irish people

during the last fifty years have aroused a new life in the country. The recent extension of the franchise has aroused a new life in the country. No one who has seriously studied the condition of Ireland for the last five years can have failed to notice how, under the mere hope of certain State rights, a new life has been breathed into the country, how it has awakened from its dejection and is strenuously fitting itself to play its part as the vital portion of a great empire. Ireland is literally taking shape under the quickening impulse of Home Rule.

Home Rule, says Mr. Dicey, does not mean Local Self-Government; and he proceeds to explain what, according to him, Local Self-Government does mean. 'Local Self-Government' means the delegation by the sovereign, and in England therefore by Parliament, to local bodies, say town councils, county boards, vestries, and the like, of strictly subordinate powers of legislation for definite localities. The authority possessed by such local bodies extends over definite and limited areas (which themselves are often created by legislation); exists for definite purposes; is directly conferred or tolerated by Parliament; has no capacity of indefinite extension; and neither comes into competition with nor restrains, either legally or morally, the legislative authority of Parliament.'

It is gratifying to find Mr. Dicey admitting that there might logically be some difficulty in defining the precise line of demarcation between plans of Home Rule and plans of Local Government, and the advocate of scientific investigation sneering at the quibbling of the

casuists of jurisprudence. Men of sense, according to Mr. Dicey, content themselves with the knowledge that were the Town Council, say, 'of Birmingham or of Belfast endowed with tenfold its present powers, it would differ essentially from any Irish Parliament which, even though denied the Parliamentary title, should represent the people of Ireland, and should have received the very smallest amount of authority which could by any possibility satisfy Mr. Parnell.'

'The matter,' says Mr. Dicey, 'may be summed up in one phrase: Local Self-Government, however extended, means the delegation, Home Rule, however curtailed, means the surrender, of parliamentary authority.' To which I can only reply in a still shorter phrase, that Home Rule means nothing of the kind. This kind of definition is as inaccurate as the others. Let us see what the case of Local Government is as presented in a thoroughly impartial quarter.

Mr. Sydney Buxton thus sums up the advantages of applying Local Self-Government to Ireland:—

'Many, who are opposed to Home Rule, would be willing to concede a large measure of Local Self-Government to Ireland (while making equal concessions to England and Scotland), on the grounds—

'1. That Parliament is overworked, and requires relief from the necessity of legislating on private and local affairs.

'2. That the necessity of bringing these matters before Parliament leads to much waste of time and money.

‘3. That Parliament has already, at different times, divested itself of many of its functions, such as drainage, sanitation, constabulary, &c., and there would be nothing unconstitutional or dangerous in going yet further in that direction.

‘4. That if in Ireland large, powerful, and representative local bodies were created to manage local and private affairs, all the advantages attendant on Home Rule (proper legislation for the country, &c.) would be attained, and the dangers (nucleus of revolt, clashing with Imperial Parliament, &c.) would be avoided.

‘5. (a) That at present everything is done for the Irish by the Central Government, and thus their self-reliance and power of application are weakened; while their local affairs, being directed from a distance and by a central body, are inefficiently and extravagantly managed.

‘(b) That to allow the Irish to manage their own local affairs would, by giving them an interest in public work, and by making them more independent, do much to render them more contented and loyal.

‘6. That there would be no difficulty in strictly defining the powers and limits of such local bodies.’

All these points really are so many arguments in favour of Home Rule as it is now understood by its English and Irish supporters.

It will not be by any means a waste of time at this point, and in this regard, to pause and investigate for ourselves the character of an English town council. ‘In the year 1833 a Royal Commission was appointed to



enquire into the state of municipal corporations, and it being reported that they had degenerated into great inefficiency and corruption, an Act of Parliament was passed by which most of the then existing corporations were dissolved and replaced by a municipal body, consisting of mayor, aldermen, and burgesses. This is the law known as the "Municipal Corporation Act."

• 'All persons of full age who have occupied for three years a house or shop within the limits of the borough to be incorporated, and those who have regularly resided within seven miles of its limits, and have during that time been rated to the relief of the poor of some parish in the borough, are entitled to be placed on the list of burgesses. The borough is divided into wards or districts, and by the burgesses or wards in every district in every ward the common councillors are elected. The number of councillors is fixed in the Act for each borough, and one third of them go out of office every year. The councillors elect aldermen, whose number is one third of their own. Thus is formed the town council, which elects the mayor, whose business is to preside over it. He holds office for only one year, but may be re-elected. Half the aldermen go out of office every third year, but may be re-elected. The town council lay the borough rates.'

Let us take a somewhat more comprehensive view of the powers of local government from Mr. T. H. S. Escott's well-known work, 'England.'

'The Municipal Corporation Act of 1835 marked a

new epoch in the history of English local government. The measure gave municipal government as it now is to upwards of 200 English towns. It was adopted by Manchester first, and there, as well as wherever it was adopted subsequently, it commenced to diffuse an entirely new spirit. It brought home, or it has since served to bring home, the sense of citizenship to all who are living under it. The institutions which have directly been its products have generated an intense spirit of corporate energy and freedom; a new motive has been given for local improvements, and a fresh incentive to private and public beneficence. Legislation supplies a continuous stimulus to local activity. Not a session passes in which Parliament does not confer some new right, or impose some fresh duty and responsibilities, on local authorities. Thus, during a period of four years ending in 1878, the following, among many other public Acts, were passed, all involving increased local obligations:—

‘Public Health, Weights and Measures, Contagious Diseases (Animals), Canal Boats, Local Loans, Artisans’ Dwellings Improvement, Adulteration Act Amendment, Explosives, Petroleum, &c., &c.

‘These measures are in some cases permissive, in others imperative, but their number, and in many instances their magnitude and importance, largely account for that steady growth of local expenditure and local indebtedness which periodically excites the unreasonable surprise of honourable members who have supported

these various proposals as they have been submitted to them, but presumably without any idea of the cost which their execution would entail. There is no appearance that this stream of legislation will cease to flow, and at the present moment municipal government in England is full of infinite possibilities. For its actual effects it depends almost entirely upon the men who are its administrators. . . .

‘The legislation of 1835 superseded the power of vestries by a town council, whose jurisdiction has subsequently increased, till at the present moment the town councillors, subject to the authority of the mayor, have absolute control over the government of a town. They have, indeed, to ask the consent of Parliament when they contemplate any changes which affect the tenure of property. They have to forward their accounts to the Home Secretary, and these accounts have to be laid before Parliament. But, with the exception of these general limitations, they are the masters of their own actions. It is incumbent upon them to see that the streets are well lit, that all quarters of the town are well drained, that the thoroughfares are kept in decent repair. They control the police, they have the election of the borough coroner and of the stipendiary magistrate, and in some places their recommendation is accepted by the Lord Chancellor in the appointment of gentlemen to the commission of the peace. They manage the baths and parks of the town, and its free libraries and museums; they superintend the markets and fairs, and levy tolls

therein ; they maintain the lunatic asylum, the industrial school, and possibly the cemetery ; they provide a borough hospital, and establish a fire brigade. They are manufacturers of gas, purveyors of water, farmers at the sewage farm, and chemists in the analyst's laboratory. The whole district under their jurisdiction is frequently inspected for sanitary purposes ; nuisances are removed by their orders ; new buildings surveyed, and old ones ordered to be repaired or pulled down. Finally, they have their representation on many of the educational and charitable foundations of the town, and possibly control by the votes of their members the administration of the local grammar school and other similar institutions. . . .

‘ These details . . . have kept us waiting for some time on the threshold of the really gorgeous chamber in which the members of the town council have assembled for the purpose of debate. It is the House of Commons in miniature, with some of the features that remind one of the Chamber of Deputies at Versailles. Councillors and aldermen are collected in little knots, discussing with each other, and with their constituents, the ratepayers, the issues of the coming debate, in the rooms and lobbies contiguous to the place of actual deliberation. The apartment dedicated to their purpose is an exact amphitheatre. Stout oak chairs, with stout oak tables, in continuous line before them, are ranged tier upon tier, and last of all is a gallery with some half-dozen rows of seats, exactly resembling the dress circle in a theatre. Opposite these, at the other end of the apartment, where

in a theatre the stage would be, is a raised dais, in the centre of which sits on the chair of state the mayor of the municipality, supported on the right hand by the town clerk as his official interpreter of vexed points of municipal law or deliberative procedure, and on the left by a couple of aldermen who have been his immediate predecessors in office.

‘The orders of the day have now been read, and the active business begins. A good deal of it is already cut and dried, prepared by the different committees of the council at their respective sittings, and only waiting the final registration and formal sanction of the entire body in full council assembled. Then the council, like the House of Commons on analogous occasions, resolves itself into a committee, and, unlike the House of Commons, appoints by a unanimous vote as its chairman its ordinary speaker or president—in other words, the mayor. A bill is presented which it is proposed to ask Parliament to pass in the ensuing session. The clauses are gone through one by one with some discussion, and then the council resumes, and the mayor reports that the committee has passed the bill without amendment, whereupon a resolution is adopted, authorising the town clerk to take, on behalf of the council, all such proceedings as may be necessary to promote the bill in Parliament.’

It will be seen from this cursory glance at the working of local government in England that an extension of local self-government might be so made as to meet in some

slight degree the demand for Home Rule. But, urges Mr. Dicey, 'A town council, whatever its powers, does not represent a nation, and derives no prestige from the principle of nationality; the feeblest legislative assembly meeting at Dublin would rightly claim to speak for the Irish people. A town council, whether of Birmingham or of Belfast, springs from and is kept alive by the will of Parliament, and cannot pretend that its powers, however extensive, compete with the authority of its creator. Should a town council use even its strictly legal rights in a way not conducive to the public interest, Parliament would without scruple override the bye-laws of the council by the force of Parliamentary enactment. The authority of an Irish representative assembly would from the necessity of things be, if not a legal, at any rate a moral check, I will not say on Parliamentary sovereignty, but assuredly on Parliamentary legislation.'

But it does not at all follow that, because the principle which animates the town-council system may be good and is indeed a stride in the direction of Home Rule, a system of local self-government could not be devised which would in the strictest sense represent Ireland, and have a right to speak for the Irish people. The advocates of Mr. Gladstone's bill assert that the legislative assembly which it provides for Ireland springs from the Imperial Parliament, and that the sovereignty of the Imperial Parliament remains unimpaired.

Mr. Gladstone's Home Rule scheme was, in the words of Mr. John Morley, 'the act of a dominant power and of

a power which was intended to remain dominant. A body was created with limited functions, delegated authority and subordinate in position.' This is Home Rule, but it is also local self-government. Mr. Gladstone's bill has done what Mr. Dicey believes to be impossible, and which those whose views are expressed by the passage quoted from Mr. Buxton deem to be impossible. It has shown that Home Rule and local self-government are but different names for different phases of the same thing. Local self-government as limited as that allotted to Birmingham or Belfast would not, of course, content the whole of Ireland; but an extended system—and Mr. Gladstone's bill presents that extended system—will, while remaining with 'limited functions and delegated authority,' succeed in satisfying them. After all, the Irish people are excellent judges of what they want. They and the English Radicals have agreed as to the kind of legislation which is likely to restore tranquillity, prosperity, and contentment to Ireland, and to promote friendship between the two countries; and whether the kind of legislation thus agreed upon is or is not called local self-government or Home Rule matters not a jot.

## CHAPTER III.

THE STRENGTH OF THE HOME-RULE MOVEMENT IN  
ENGLAND.

STILL, in his character of a 'dispassionate observer,' Mr. Dicey admits that Home Rule has found a large number of adherents in England, although—as usual—he states his facts inaccurately. 'England has indeed pronounced decisively against any tampering with the Act of Union, but the leading statesman of the day has avowed himself a Home Ruler ; he is supported by eminent colleagues, and by nearly two hundred representatives of British constituencies. Scotland and Wales on the whole favour the policy of separation ; and if, as has been roughly computed, of the electors of the United Kingdom, 1,316,327 have voted in support of the Union, the same computation shows that 1,238,842 are, to say the least, indifferent to its maintenance.' Almost every sentence of this curious confession is inaccurate. England has not pronounced decisively against any tampering with the Act of Union. The result of one general election has been to put out of office the men who proposed to carry Home Rule into effect, and to put into



office the men who were prepared at a moment's notice to do the same thing. The verdict of one general election has not hitherto been supposed to settle the fate of a great movement of reform. If Mr. Dicey recalls some of the most stirring agitations of the reign, he will recollect that projects no less denounced as revolutionary have passed into law after encountering far sterner checks and far severer obstacles. It is equally inaccurate—indeed, here inaccurate is hardly a word of sufficient force—to say that Scotland and Wales on the whole favour the ‘policy of separation.’ The ‘dispassionate observer’ strangely forgets, if not his logic and his facts, at least his courtesy, when he speaks of a ‘policy of separation.’ Mr. Dicey knows well enough that there is no ‘policy of separation.’ In one of the Home Rule debates in the House of Commons Mr. Gladstone animadverted with a just severity upon the conduct of a daily paper which persisted day after day in speaking of the Home Rule Bill as the Separation Bill. The rebuke which Mr. Gladstone addressed to the offending journal might very well be addressed to the learned professor. Mr. Dicey should recollect that such mis-statements of his opponents’ case can only be regarded as flippancies unworthy of the class-room, or as inaccuracies of a kind for which the class-room would have terrors. To say that so many of the electors have voted in support of the Union, while so many who have voted for Mr. Gladstone have shown their indifference to its maintenance, is to blunder again no less patently and unwarrantably. To deliberately confound

the union between the two countries with the Act of Union is bad enough ; to say that those who supported Mr. Gladstone in the last general election were indifferent to the maintenance of union between the two countries is to accuse nearly half of his fellow-countrymen of a folly or an apathy too ludicrous to resent.

While no one would dream of denying that the great strength of Home Rule in England is due to Mr. Gladstone, Mr. Dicey goes too far in minimising the progress that Home Rule opinions had made in England before the April of 1886. Those who know anything of the course of political life in England are well aware that a steady and decisive change was being gradually made in English feeling with regard to Home Rule.

Nor was Mr. Gladstone's own conversion to Home Rule either as rapid or as unaccountable as Mr. Dicey appears to consider it. Anyone who has taken the pains to follow the workings of Mr. Gladstone's mind for the last seven years—ever since the Home Rule movement took definite, tangible form—will not have failed to perceive that his turn of thought had long been ripening towards Home Rule. He wished, however, as any great statesman would have wished, to be convinced that the majority of the Irish people were in favour of legislation in a certain direction before he allowed himself to take action. The general election of 1885 was a sufficiently decisive answer. Mr. Gladstone has all his life been in favour, as Fox was in favour, of governing Ireland according to Irish ideas. Once it was made clear to him

what Irish ideas were in this regard, he acted in accordance with the principles upon which his whole political life has been based.

‘It is amazing,’ says a well-known writer on Home Rule, ‘to find so many persons reproaching Mr. Gladstone on the ground of his supposed sudden and recent conversion to the principle of Home Rule. What short memories some political speakers and writers have, to be sure! Why, Mr. Gladstone has been denounced again and again by English politicians and English newspapers on the ground that he has always been giving countenance and comfort to the advocates of Home Rule. He has never, that I know of, spoken one word against what I may call the principle of Home Rule; the principle that Ireland ought to have some form of government which might be really domestic and national, and which is not given to her by the centralised system established in Westminster. Again and again Mr. Gladstone has invited Irish members to bring forward some definite scheme and let the country know what they meant by Home Rule. Again and again he has been denounced by the Conservative press and platforms because he would not bluntly tell these pestilent Irish that he would listen to no demand, proposal, or suggestion about Home Rule.’

Mr. Dicey’s next serious statement calls for a long quotation. ‘Great changes in our institutions or policy have hitherto been preceded by lengthy, in general by too lengthy, discussion. The doctrines of Free Trade were established by Adam Smith seventy years before

the abolition of the Corn Laws, and Protection was not vanquished till Cobden and Bright had, by laborious controversy, exposed its fallacies in every corner of Great Britain. The reasons in favour of Catholic Emancipation were stated in their full force by Burke more than forty years before a Roman Catholic was admitted to Parliament, and the whole case in favour of the Catholics had been argued out in the presence of the nation long before the passing of the Catholic Relief Bill. No movement ever appealed to keener popular sympathies than the movement for the abolition of slavery. Yet the Abolitionists made their case out—proved it, as lawyers say, “up to the very hilt,” before a single slave was released from bondage. The Irish Church (it may be suggested) was abolished off-hand. This apparent exception to the regular course of long argumentative controversy which in England marks all great innovations has misled Home Rulers, yet the exception is only apparent. Long before 1869 the intelligence of England—one might say of the civilised world—had been convinced by the power of reason that the maintenance in a Roman Catholic country, and at the expense of a Roman Catholic population, of a Protestant ecclesiastical establishment was an indefensible anomaly. The walls fell at the first blast which sounded attack, because the foundations had been argumentatively sapped and undermined for more than a generation.’

Mr. Dicey appears to reason as if Home Rule, or some equivalent of Home Rule, had flashed for the first time

upon us like lightning from a clear sky. As a matter of fact, the minds of great numbers of impartial people have long been conscious of the need for a new departure in Irish legislation. In such a mood of public opinion some event takes place like the Irish famine in the Corn Law times, or the Clare election at the period of Catholic Emancipation, which precipitates the conclusion. 'In fact, however,' says Mr. Morley, 'Mr. Dicey has strangely left out of account a third element, which has as much to do with the movement for Home Rule as either intellectual conviction or social feeling. He has left out circumstance, occasion, the conjuncture of things, and that critical agency in political causation which men vaguely call the force of events. We may often have slumbering in our minds the major premiss and the minor; it is the demand of events that awakens us to the conclusion. Although the moral atmosphere may have supplied a favourable medium for Home Rule, as he truly says, yet, whatever may be its ultimate fate, its rapid advance to a strong position has taken place exactly as Catholic Emancipation and Free Trade won their way—that is to say, under the impulse of practical necessities and the great expediencies of the occasion. The general arguments for Emancipation were as strong in 1800 as in 1829; the new fact which put them in a different light was the Clare election. Cobden had nothing weightier to urge in the summer of 1845 than Mr. Villiers and others had urged ten years before; the approach of famine in Ireland was what made all the

difference. The great mass of arguments and the bias of right sentiment against negro slavery were just as cogent in the early as in the last years of Garrison's heroic struggle ; it was the war that at a certain point turned Abolition into a national cry and identified it with the triumphant cause. So now, the sudden progress of Home Rule in public opinion has been due to a number of practical, intelligible, and by no means ignoble considerations which events have gradually pressed upon men with a constantly increasing force during the last seven years.'

Not seven years ago, but nearly seventeen years ago, the argument for Home Rule was urged with great force and eloquence by a writer of high renown and great ability, who is now desperately and unsuccessfully endeavouring to play the part of the fiend in the parable, and scatter tares in the good wheat he has sown himself. That 'really very amiable man Mr. Lecky,' as Mr. Morley kindly calls him, in the introduction to his 'Leaders of Public Opinion in Ireland,' published in 1871, lends all the weight of his opinion to the Home Rule cause. 'It appears to me,' he says, 'to be perfectly evident, from the existing state of public opinion in Ireland, that no government will ever command the real affection and loyalty of the people which is not in some degree national, administered in a great measure by Irishmen and through Irish institutions. If the present discontent is ever to be checked, if the ruling power is ever to carry with it the moral weight which

is essential to its success, it can only be by calling into being a strong local political feeling, directed by men who have the responsibility of property, who are attached to the connection, and who at the same time possess the confidence of the Irish people, as in Hungary, as in Poland, as in Belgium, national institutions alone will obtain the confidence of the nation, and any system of policy which fails to recognise this craving of the national sentiment will fail also to strike a chord of true gratitude. It may palliate but it cannot cure. It may deal with local symptoms, but it cannot remove the chronic disease. To call into active political life the upper class of Irishmen and to enlarge the sphere of their political power—to give, in a word, to Ireland the greatest amount of self-government that is compatible with the unity and the security of the empire should be the aim of every statesman.’ This must be rather dismal reading for the pseudo-unionists; for while it would not be accepted by Home Rulers as a complete statement of their case, it is highly damaging to the cause to which Mr. Lecky has been of late converted and to many of Mr. Dicey’s most cherished arguments. But if this is bad, worse remains behind. ‘If it be true,’ continues Mr. Lecky, ‘that the desire for some measure of self-government is not likely to be extinguished or diminished in Ireland, it is evident that many influences are in operation which must tend towards its realisation.’ He dwells upon the effect of the disestablishment of the Church and of the Land Bill, and thus concludes: ‘A considerable time must elapse

before the full effect of these changes is felt, but sooner or later they must exercise a profound influence on opinion; and if they do not extinguish the desire of the people for national institutions they will greatly increase the probability of their obtaining them.'

The mere existence of such opinions as these, expressed so definitely by so eminent a man at a period so considerably removed from the existing agitation, is highly damaging, not to say destructive, to Mr. Dicey's remarks about 'sudden progress,' 'innovation,' and the like. 'Till a recent date,' says Mr. Dicey, 'hardly an argument was addressed to the English public in favour of Home Rule; and no great writer or speaker even aimed at proving to the nation that a reform or innovation which has been rejected again and again as repeal had more to recommend it under a new name.' Here again protest must be made against Mr. Dicey's persistent begging of the question. None of the great writers and speakers at whom Mr. Dicey writes, aim now at recommending repeal under a new name. But if he means to say that no great writer or speaker advocated Home Rule, he is not very complimentary to the distinguished historian who is one of the props of Mr. Dicey's party; nor can he escape on the plea that 1871 is a recent date, as the words Home Rule were at that time not a year in political existence.

Is it possible that a grave and learned man, a professor, and a 'dispassionate observer,' can put these words on paper and seriously believe them to be true?



Why, the whole history of the last six-and-eighty years gives the denial to his assertion. Arguments against the integrity of the Act of Union have been uninterrupted. Every alteration that has been made in the Irish laws has been a concession to those arguments. The Parliamentary annals teem with debates upon the Irish question, as it is called, in which plans for the emendation of the Act of Union were again and again discussed. The pleadings of O'Connell for repeal were in a great degree so many arguments in favour of Home Rule. Instead of Home Rule progress being characterised by a singular absence of systematic discussion, it has been very much the reverse.

With regard even to Home Rule itself, under that image and superscription the argument has been going on with lively vitality for many years. Some eight years ago a prominent member of the Home Rule party published in a London magazine a short political essay entitled, 'Is Home Rule Dead?' 'The title may be thought a little curious now. It was adopted then because the English journals had almost unanimously come to the conclusion that Home Rule was dead, and only waiting to be buried, and they were congratulating England over her happy delivery from a trouble. . . . At the time there was a sort of pause in the activity of Home Rule movement partly caused by the failing health and fading influence of Mr. Butt. Those of us who knew, were well convinced that the movement was only in its beginning and had not yet shown its real force, and the object of

the article I wrote was to endeavour to convince the English public that it was a genuine and a national movement, and that the demand for Home Rule would never cease until Home Rule had been obtained. I think the events of the past seven years, and indeed the events of the past seven weeks'—the article from which I am quoting appeared in January 1886—'have given a very satisfactory answer to my question. The most sceptical Englishman, if he has only eyes to see, will now admit that Home Rule is not dead, but on the contrary very full of life. Few men think any longer of asking whether Ireland is to have Home Rule; the main question is as to the precise form which Home Rule should take.'

In point of fact, for the last fifteen years almost, and certainly for the last seven years, Home Rule in all its aspects has been the one absorbing question occupying the minds of the public. Through all the channels of thought arguments for and against Home Rule have been poured into the public mind; in Parliament and out of it; on every platform in the kingdom; in the columns of all the thousand newspapers Home Rule has been discussed, debated, talked about, written about,—in a word, there has been little or nothing but Home Rule incessantly for a long space of years. All this discussion, all this threshing out, informal and irregular if you please, but still existing, has had a tremendous influence upon popular thought, and has formed and guided the actions of men to the bringing about of that result which Mr. Dicey now

so desperately combats—the advocacy of Home Rule for Ireland by the majority of the English Liberal party.

Here again we find Mr. Dicey curiously losing sight of the main point at issue in his scorn of the emotional side of the Home Rule controversy.

‘The rhetorical emphasis laid by Home Rulers on the baseness of the arts which carried the Act of Union is, as an argument in favour of repealing the Act, little else than irrational. The assumed infamy of Pitt does not prove the alleged wisdom of Gladstone; and to urge the repeal of an Act which has stood for nearly a century, because it was carried by corruption, is in the eye of reason as absurd as to question the title of modern French landowners because of the horrors of the Reign of Terror. Even a Legitimist would not now base a moral claim to an estate on the ground that his grandfather was deprived of it through confiscation and murder. But rhetoric is not governed by the laws of logic, and insistence on the corruption or the criminality by which the Act of Union was carried is an effective method of conciliating popular sentiment to the cause of repeal.’

It is almost startling to observe how persistently—I will not say wilfully—Mr. Dicey has left out the whole backbone of the case which he professes to be combating. It is not at all because the Act of Union was passed by corrupt means that its repeal was, at one time, and its alteration is now, called for. No; but because a measure which was only carried by the basest political arts has since proved to be as evil as its genesis might lead men

to expect, because a measure corruptly passed into law has proved to be a curse to the country upon which it was inflicted, and to the country which inflicted it. It is not the perjury and fraud which compassed the Act of Union which call for alteration of its clauses. A very successful measure of legislation might possibly be brought into being by means as base as those which Pitt stooped to employ. The Act of Union, as it stands, is arraigned because it has not proved a successful piece of legislation, because it has failed to satisfy the people upon whom it was imposed, and has failed to strengthen the people who imposed it. To say that Mr. Gladstone on the one hand, or Mr. Parnell on the other, call for the emendation of the Act of Union simply because a certain number of Members of Parliament sold their consciences in 1800, is to assume what is on the face of it a gross absurdity.

This incapacity for seeing either the true proportion of things, or the real motor-power of men's actions, is the fatal flaw in Mr. Dicey's book. 'He does not,' says Mr. Morley, 'measure general arguments in their relation to particular circumstances. Yet in such a case as this, no other method is of value. He does not start from social order. His book is not saturated with real matter. Most of it is what logicians call formal, and if anybody does not know what that means, he may discover it by turning from the present volume to the speeches made against Home Rule by Lord Hartington or Mr. Goschen. They are not formal but real. They deal

with substantive particulars. We do not deny that a constitutional proposal is capable of being looked at from a logical or abstract point of view. But Mr. Dicey says (p. 6) that his object is to enforce the principle that Home Rule in Ireland is more dangerous to England than Irish independence. Now, that is no proposition to be established on abstract or logical grounds. It must be settled by reference to individual circumstances and an exploration of actual facts ; such as the temper and aims of the majority of the population ; the controlling power of the Irish leaders ; the material interests of Ireland and the view taken of their interests by the population ; and a host of other particulars, all requiring full knowledge and more than a geometer's or a jurist's power of reasoning. Of course, we may argue, for example, that the case for Home Rule implies the sentiment of Irish nationality : that nationality, considered in the abstract and pushed to its logical conclusion, leads to independence : *ergo*, the supporters of Home Rule ought to advocate separation. But all this is the syllogism of a publicist ; it is not politics.'

Mr. Dicey is not a practical politician, for he does not recognise things as they are ; nor is he a philosopher, for he has no very clear idea of how they ought to be. He curiously underrates the power of the Home Rule movement, which is bad, but he underrates also the honesty and integrity of those who differ from him, which is worse.

' It is not too much to say that the favour or acqui-

escence with which so-called practical politicians are prepared to accept Home Rule is grounded, to a far greater extent than any one who respects the character of England likes to confess, upon the *naïve* but intense conviction that it is too much to expect from five hundred and more English gentlemen that they should take the trouble of withstanding the continuous pressure exerted by eighty-six Parnellites. Cowardice masks itself under the show of compromise, and men of eminent respectability yield to the terror of being bored concessions which their forefathers would have refused to the threat of armed rebellion.'

In short, those who do not think with Mr. Dicey that Home Rule is an evil, are in reality only cloaking their cowardice under an affectation of political opinion; they are not merely liars, all those Englishmen who support Home Rule, but they are liars from the basest of influences, from the prick and goad of personal fear for their leisure. With what wholesale ethical corruption, with what wholesale mental degradation Mr. Dicey charges his countrymen!

Mr. Morley praises Mr. Dicey too highly when he writes thus of him:

'He does not, like Mr. Goldwin Smith, flatter himself that he has added cogency to his argument by crying out that Mr. Gladstone is an unscrupulous demagogue; or, like the really very amiable Mr. Lecky, that he has cleared the air by dividing those who differ from

him into knaves and fools. In the sixteenth and seventeenth centuries nobody could maintain his own opinion against a rival scholar, on the meaning of a Latin verb or a Greek particle, without running serious risk of being told that he practised nameless crimes, and was not the father of his own children. Mr. Dicey honourably abstains from these ornaments of debate. There is nothing about him of the *mouton enragé*.'

To accuse a vast body of Englishmen who have avowed certain political opinions of being liars and worse than liars is to return to the worst phases of Humanistic controversy. But if even we were prepared to grant Mr. Dicey's detestable assumption, we shall trip him up on the very conclusion which he draws from it. Why, it is one of the very strongest points in Mr. Dicey's case that the forefathers of the men whom he now accuses of cowardice did yield concessions to the threat of armed rebellion. What becomes of all the arguments he bases upon the conduct of the Volunteers of 1782 if 'the threat of armed rebellion' only met with refusal from the forefathers of the men whom Mr. Dicey now denounces for their timidity? The English advocates of Home Rule will smile at a comparison instituted to their disadvantage in defiance of history, in defiance of the very fact upon which Mr. Dicey so largely relies in order to combat any concession of strength to Ireland.

Mr. Dicey gravely underestimates the strength of the Home Rule movement in England and its power over the

democratic mind. 'Whether we play, or labour, or sleep, or dance, or study,' says Feltham, 'the sun posts on and the sand runs.' With every stage of the sun's course and every grain of the sliding sand the cause of Home Rule gains firmer ground in England and a stronger hold upon the enlightened English mind.



## CHAPTER IV.

## ENGLAND AND HOME RULE.

THE imperfections, not merely of Mr. Dicey's method, but of his way of working out his method, grow more patent as we progress through his book. In the fourth chapter the astonishing weakness of his arguments, the almost incredible looseness of his reasonings, the amazing inaccuracy of his conclusions, are more than usually obvious. After a patronising recognition of the existence of human feeling and human sentiment and human emotion as things to be tolerated by a Chair, Mr. Dicey proceeds to set out six of the arguments that can, he considers, be brought forward by Englishmen in favour of Home Rule: 'The argument from foreign experience—the argument from the will of the Irish people—the argument from the lessons of Irish history—the argument from the virtues of self-government—the argument from the necessity for Coercion Acts—the argument from the inconvenience to England of refusing Home Rule to Ireland.'

Mr. Dicey supports the argument from foreign expe-

rience by bringing forward the United States, the Swiss Confederacy, Canada and the Australasian Colonies, the German Empire, Turkey in relation to some of her subservient States, the relationships between Russia and Finland, Norway and Sweden, Denmark and Iceland, and, finally, between Austria and Hungary. Having mentioned these as the chief supports of English arguments in favour of Home Rule to be drawn from foreign sources, Mr. Dicey sets aside for the moment the cases of the United States, the British Colonies, and the Swiss Confederacy, and proceeds to consider the other cases he has brought into court. In this consideration he acts with what it is hardly possible not to call perversity. 'There is some difficulty in treating with perfect seriousness a line of reasoning which, proceeding from the quarter whence it comes, holds up for our admiration the wisdom or lenity of Turkish rule in Crete, and extols the supreme justice of the system upon which rests the Austro-Hungarian monarchy; which implies that the arts of government may be learnt from the Russian administration of Finland, and omits all reference to the disastrous results of the attempt to endow Poland with some sort of independence; which bases weighty inferences as to the proper relation between England and Ireland on the concession by Denmark to the scanty inhabitants of a desolate island lying 1,100 miles from her coast, of as much autonomy (if that be the right term) as under the Crown of England has been enjoyed for generations by Jersey or Man; and which suggests lamentations over

the splendid triumph of constructive statesmanship embodied in the treaty of union with Scotland.'

No Home Ruler, it need hardly be said, does hold up for the admiration of any man the wisdom or lenity of Turkish rule in Crete. Mr. Dicey must be aware, or ought to be aware, that the utmost use to be made of any argument based on the relationships between Turkey and Crete was that a very unhappy condition of things existing between a powerful state and a dependency was to some extent ameliorated by an approach to a juster and more harmonious relationship. No Home Ruler has implied that the whole art of government may be learned from the Russian administration of Finland. If, however, a Home Rule system works smoothly between Finland and Russia it is one small argument, of no great importance indeed, in favour of Home Rule; a matter to be alluded to once. If the attempt to deal with Poland has not succeeded, it has been because it has not pleased the Poles—because something has been offered to the Poles very different from what the Poles either desired or demanded. It must be borne in mind, and Mr. Dicey admits as much, that the desire for Home Rule represents the desire of the majority of the people of Ireland as constitutionally expressed through her representatives. That a Home Rule system which is displeasing to Poland does not work affords no argument whatever for assuming that a Home Rule system which is pleasing to Ireland should not work. What Mr. Dicey means by suggesting that the advocates of

Home Rule lament over the Scottish union, I really do not know. A union which has proved, on the whole, satisfactory to Scotland, which has left her in the free enjoyment of all the rights she has desired, which has left her her own law and her own faith, does not call for any condemnation from an advocate of Home Rule.

Mr. Dicey seems to think, because some supporters of Home Rule have pointed their arguments with illustrations, and very apt illustrations, from existing systems of Home Rule in other parts of the world, that the whole strength of the Home Rule case rests in a great degree upon these instances, and that a smile over the administration of Finland and a sneer at the desolation of Iceland are arguments of sufficient value to destroy the whole structure.

Mr. Dicey sees no parallel between the case of Ireland and the case of one of the colonies. The case of Victoria and the case of Ireland constitute in his mind the antithesis to each other. Victoria is a land which might at any moment be independent, but which desires to retain or strengthen the connection with England. Without wasting time in questioning the premises of this statement, we may merely point out that the words with very slight alteration are equally applicable to Ireland. Ireland, it is true, could not 'at any moment' be independent, but Ireland does desire to retain, and she does desire to strengthen the connection with England. The connection with England at present certainly requires strengthening. Ireland is held by arms; the Home

Rulers propose to bind Ireland and England together by the securer ties of a common purpose, a common friendship, a common sympathy.

Abandoning for the moment the United States and the Colonies, Mr. Dicey devotes his attention to the German Empire, and to the Austro-Hungarian monarchy. Now, as a matter of fact, no important portion of the case for Home Rule rests upon any parallel or supposed parallel between the German Empire and Great Britain. It is quite true to say that 'the sober English statesmen who advocate Home Rule assuredly never dreamt any dream so wild as that the Imperial Federalism of Germany could in any way be reproduced in the United Kingdom.' But it is quite the reverse to say that 'the United Kingdom has for nearly a century formed a political unit.' A nominal union has coupled the two countries in a leash, and for the whole period one of the two countries has been seeking to slip the collar. It is as preposterous to talk of a political unit when two countries have striven in the deadliest antagonism, as to describe two foemen buckled together by the waist and armed with knives as a social unit.

As it would be waste of time to follow out the argument on the German Empire, seeing how little the cause of Home Rule is based on any such argument, so it is unnecessary to trace out the long description of the constitution of the Austro-Hungarian monarchy. The case for Home Rule finds itself strengthened by an argument drawn from the Austro-Hungarian monarchy, not in the

least on account of any resemblance, real or fancied, between the condition of Austro-Hungary and Great Britain and Ireland. Were the constitution of the Austro-Hungarian monarchy ten times more dissimilar than it is to anything proposed in Mr. Gladstone's Bill, or in any other Irish Home Rule scheme, it would not affect in any degree the validity and usefulness of the argument drawn from Austro-Hungary. The relative positions of Austria and Hungary forty years ago, and their relative position to-day, are serviceable illustrations of the value of Home Rule. They are serviceable because they show that two bitterly opposed countries may be successfully reconciled, and led into a genuine and harmonious union by means of a compromise arrived at by the two Powers, and framed according to the desires and aspirations of both. There was a time when the feeling of hatred between Hungary and Austria was as intense as the hostility ever was between Ireland and England. The political novels of Maurice Jokai, the great Hungarian novelist, afford sufficient proof of this—if so stern a jurist as Mr. Dicey will allow me to call a novelist as a witness—yet to-day Austria and Hungary are the friendly fellows of a powerful Empire.

Mr. Dicey makes merry, in a depressing sort of way, over the results of a servile imitation by England and Ireland of the dual system which serves Austria and Hungary. The merriment is ill-timed and unmeaning. No sane person proposes to parody the dual system of Austria and Hungary for the benefit of England and

Ireland. But Home Rulers desire to show, and are wise in showing, that Austria and Hungary from being bitter enemies have become good friends, because Austria has conceded to Hungary that kind of administration which she desired, and which was most suitable to the facts of her case. The same happy result will be brought about between Ireland and England when England concedes to Ireland the particular form of government—not the Hungarian form but something quite different—which the majority of Irishmen, and so vast a bulk of Englishmen, consider to be the best adapted to her peculiar needs. Here, again, Mr. Morley's arguments are unanswerable. 'Nobody has ever said that we should find what we seek in a *facsimile* of the American, the Scandinavian, or the Austro-Hungarian union. Yet Mr. Dicey after describing Diet, Reichsrath, and Delegations, cries out, "This is the dual system held up for our imitation. Picture it for a moment as actually existing in what is still the United Kingdom." And a very telling picture it is. But our withers are unwrung. The picture has nothing to do with the Bill or with authoritative speeches made on behalf of the policy. "We are advised to dissolve the United Kingdom into a confederacy." Not by us. Confederacy implies a compact. The Bill was no compact, it was the act of a dominant power, and of a power which was intended to remain dominant. A body was created with limited functions, delegated authority, and subordinate in position. Where was the confederacy? Mr. Dicey, no doubt, has an elaborate argument to show that Parliament can divest itself of sovereignty,

that it did so under the Bill, and that therefore it ceased to be a dominant power. But the whole passage, to which we may return by-and-by, though acute and interesting, is merely academic. For what does Mr. Dicey say? He does not, of course, for a moment deny (p. 248) that an Act could be so drawn as to give Ireland an Irish Parliament, to remove the Irish members from a Parliament of the United Kingdom, and at the same time to reserve to the Residue of the United Parliament the full sovereignty now possessed by the Parliament of the United Kingdom. All that Mr. Dicey insists upon is that "it is open to question whether the Government of Ireland Bill was so drawn as to achieve these results." That has become a point of as purely anti-quarian interest as the Law of the Twelve Tables. Very good lawyers assure us that the Bill was so drawn: if it was not, we say that it could easily have been altered, and the full authority of Parliament effectually reserved; and Mr. Dicey entirely agrees with us. That being the case, to talk about dissolving the Kingdom into a confederacy like that of Germany or Austria is misleading, irrelevant, and beside the mark.'

Fairly looked at, therefore, foreign experience does not tell at all 'against' the doctrines of Home Rule, as Mr. Dicey declares in his summing up.

'Foreign experience, then, affords but a very tottering foundation on which to raise pleas for Home Rule in Ireland. It may, no doubt, be read by those who are already convinced that Home Rule is desirable in favour of their views. It may confirm a faith based on other



grounds, more it cannot do. Fairly looked at, foreign experience tells rather against than for the doctrines of Home Rule. If appealed to at all, it must be taken as a whole. It then shows that Federalism is when flourishing a stage towards, not a stage away from, national unity; it shows that a strong central power above Parliamentary control is almost a condition to the successful combination in one body of semi-independent States. It shows that the whole tendency of modern civilisation flows towards the creation of great States; national unity is, so to speak, the watchword of the age; this is scarcely a reason for breaking up the United Kingdom. The sagacity of Italian statesmanship rejected the plausible scheme of an Italian Federation. If Englishmen are to take lessons from foreigners, they need not be ashamed of being instructed by Cavour.'

As Mr. Morley has shown, there is no reason why foreign experience should be taken 'as a whole,' in order to allow it to be used as an argument. Mr. Dicey's own argument from Italy, if 'taken as a whole,' breaks down very signally. There was no conspicuous reluctance on the part of Naples or Lombardy to become part of an Italian kingdom. There has been no steadily maintained protest duly urged by Naples or Lombardy against the system which makes them part of that kingdom.

It is at least open to question whether Cavour, man of genius though he was, is exactly the model which English statesmen would like or would be wisely advised to follow.

‘In the career of Count Cavour,’ it has been said, ‘our times have seen perhaps the most remarkable illustration of that great Italian statesmanship which has always appeared at intervals in the history of Europe. There may be very different opinions about the polished morality of Cavour. Rather, indeed, may it be said that his strongest admirer is forced to invent a morality of his own, in order to justify all the political actions of a man who knew no fear, hesitation, or scruple. Cavour had the head of a Machiavelli, the daring of a Cæsar Borgia, the political craft and audacity of a Richelieu. He was undoubtedly a patriot and a lover of his country; but he was willing to serve his country by means from which the conscience of modern Europe, even as it shows itself in the business of statesmanship, is forced to shrink back. If ends were to justify means, then the history of united Italy may be the justification of the life of Cavour; but until ends are held to justify means one can only say that he did marvellous things; that he broke up and reconstructed political systems; that he made a nation; that he realised the dreams of Dante and some of the schemes of Alexander VI., and that he accomplished all this for the most part at the cost of other people, not of Italians. Louis Napoleon was simply a weapon in the hands of such a man. Cavour knew precisely what he wanted, and was prepared to go all lengths and to run all risks to have it. When once the French Emperor had entered into a compact with him there was no escape from it.’

This is not quite the Englishman's ideal of an English statesman.

Mr. Dicey appears to believe that he has wholly disposed of any argument to be drawn from the condition of the United States of America when he has said 'the United Kingdom does not consist of States.' As a matter of fact England does to a considerable degree consist of States. Ireland, Scotland, England, Wales, are States in all but name ; it is quite compatible with the wishes of the consistent Home Ruler that they should each form portion of a federation whenever Scotland and Wales think fit to ask for State privileges.

'To the question constantly raised in one form or another, "Why should not the federalism which suits the United States suit England?" the true answer is suggested by the counter-inquiry, "Why should not the constitutionalism of England suit the United States?" The obvious and conclusive reply to both these inquiries is, that the circumstances of the two countries are totally different.'

The 'obvious and conclusive reply' is neither obvious nor conclusive, and the 'counter-inquiry' simply ignores the actual condition of things, and the inevitable progress of events. Even the most studious of men might have found time to note that the influence of America upon England is immeasurably greater than the influence of England upon America. The old alarm cry against the danger of Americanising our institutions has faded away before the very rapid manner in which our institutions are becoming Americanised.

Mr. Dicey devotes a considerable number of pages to showing that the wish of the Irish people, as a whole, for Home Rule is in reality little or no argument in favour of its being granted. If this could indeed be proved to demonstration it might be alarming, but, like most of Mr. Dicey's arguments, it is very much easier to assert than to substantiate. Much of his matter belongs to what may be called the 'Union with a large U' school of argument. He persists in asserting that the object of Home Rule is to destroy the Union between the two countries; whereas one of the chief arguments of Home Rulers is that Home Rule will strengthen or rather create that union. The union that exists at present is a sham, an imposition, a swindle, a deception alike upon the people of Ireland and the people of England. It is the union of the policeman and the prisoner, of the handcuff and the wrist, of Prometheus and the Caucasus. Home Rule, it cannot be too often repeated, is a proposal to improve upon the Act of Union. The Act of Union has been amended before. It is in no respect endowed with the inviolable sanctity of the Tables of the Law. It is a measure like another, subject to modification, or, if necessary, repeal at the will of the English people. It has been the source of fertile misery and misfortune during its whole existence; never probably in the history of mankind has a more disastrous piece of legislation come into existence, and yet Mr. Dicey writes of it with a kind of awe, as if it had been handed down to us with all the reverential thunders of Sinai.

Mr. Dicey next approaches the argument from Irish history. He agrees and submits that all are agreed in holding that 'the history of the country is a record of incessant failure on the part of the Government, and of incessant misery on the part of the people.' This is a most important admission and must be duly borne in mind. Whatever the reasons may be, he grants that England 'has failed in Ireland of achieving the elementary results of good government.' 'Every scheme has been tried in turn,' he groans, 'and no scheme has succeeded.' Here, of course, we and all who think with us must put in our protest. Every scheme has not been tried. The one important scheme of governing Ireland according to Irish ideas has not been tried. But while Mr. Dicey is arguing on Irish history he ought to refrain from making assertions so recklessly inaccurate as the following: 'The independence gained by a Protestant Parliament led after eighteen years to a rebellion so reckless and savage that it caused, if it did not justify, the destruction of the Parliament and the carrying of the Union.' To say this is, of course, to either wilfully or ignorantly pervert and falsify what ought to be the best known facts in the history of the two countries. It was not the independence gained by a Protestant Parliament which led to the rebellion of Ninety-Eight. That was entirely due to the action of the English Government. The rebellion of Ninety-Eight was neither reckless nor savage. A rebellion cannot be called reckless which stands a reasonable chance of success, even by persons in whose

eyes a rebellion may be the direst of enormities. The calculations of the men who set rebellion afoot in 1798 were daring, but they were also careful. A series of untoward accidents upset their plans and ruined their hopes, but their plans were well laid, and their hopes did not in the beginning appear to be at all ill-founded. Nor is it fair to describe it as a savage rebellion. There were evil deeds committed during its course, but they were committed by men who had been goaded to frenzy before the rebellion broke out by a military tyranny of the cruellest and most exasperating kind. Compared with many other rebellions which are not so sternly characterised it was not savage, and in one particular—in the toleration that the rebels extended to women—it reflects credit upon men who might well have been driven to dark retaliation by the atrocities practised upon women by the soldiery and the yeomanry. It is needless to dwell upon the story of Ninety-Eight; it would be needless to touch upon it at all, were it not that Mr. Dicey is so incessantly blundering into statements of such uncompromising inaccuracy that it is worth while to stop and set him right in a side issue, if only to show how flimsy is his pretext of scientific impartiality, and how vague and general and misleading his utterances are.

We are soon brought face to face with a mis-statement—I wish to make my language as measured as possible, but to convey its meaning to the full—of a graver and more mischievously perverse kind. The Home Rule movement, says Mr. Dicey, ‘relies, it is said,

and there is truth in the assertion, on constitutional methods for obtaining redress. But constitutional methods are supplemented by boycotting, by obstruction, by the use of dynamite.'

This is untrue, recklessly, shamefully untrue. How a man like Mr. Dicey, a scholar and a gentleman, can presume to put on paper that the constitutional agitation for Home Rule is supplemented by the use of dynamite passes my comprehension. How any man thinking so much, and saying so much, could be regarded by any body of men as a writer whose opinion on the Irish question was worth sixpence, again borders upon the marvellous. There are, unhappily, a certain body of men who do believe that the cause of Ireland is to be furthered by the use of dynamite. These men are not numerous; their followers, if they have any in Ireland, are fewer still, and they are in no sense supporters of the constitutional agitation for Home Rule. They dislike the Home Rule proposition and they dislike Home Rulers; whether rightly or wrongly, they want separation and nothing but separation. If they, or any of them, have come under the banner of Home Rule in America, it is because Home Rule and the Home Rule principle is triumphant and the advocates of a guerilla warfare with explosives have scant audience for their theories. But to say that the constitutional movement in favour of Home Rule for Ireland is supported or supplemented by dynamite, is to make a charge which is as monstrous as it is childish, and as childish as it is false.

Mr. Dicey comes under Mr. Morley's severe and just censure for his 'failure to grapple with the real meaning of two sets of considerations on which the advocates of Home Rule most strongly rely. It suits his purpose to reduce as many of the arguments against him as he can into forms of nationality, because that makes it all the easier to show that Home Rulers, though they do not know it, are logically committed to Irish independence. But this easy process cannot be allowed to pass. Mr. Dicey is a utilitarian, and he ought to know utilitarian reasoning when he sees it. The strength of the argument from nationality is great, and full of significance; but it is not at all necessary for Home Rulers to lean so heavily upon it as Mr. Dicey always assumes. Nationality is not the whole essence of the argument from history or the argument from self-government. Their force lies in considerations of political expediency as tested by practical experience.'

Here are some of Mr. Dicey's own records on this question of nationality. 'In Ireland, as in Lombardy, permanent discontent is caused by the outraged sentiment of nationality. Meet this sentiment, argues the friend of Home Rule, by the concession to Ireland of an independent Parliament. The law which comes from Ireland's own legislature will be obeyed because it is her own law, and will be enforced throughout Ireland by Irish officials supported by the sympathy of the Irish population. Let Ireland manage her own affairs, and England will be freed from a task which she ought never to



have taken up because she cannot perform it, and you will lay upon Ireland duties which she can perform but which she has never yet been either allowed or compelled to take up. Irishmen for the first time will feel the full responsibility, because for the first time they have received the full power, of self-government. The argument, in short, on the Home Rule view stands thus: the miseries of Ireland flow historically from political causes, and are to be met by political changes. At the bottom of Irish disorder lies the sentiment of Irish nationality. The change, therefore, that is needed is such a concession to that sentiment as is involved in giving Ireland an Irish legislature. This is the reform by which the result of curing Irish discontent can be achieved, and it is a reform not incompatible with the interests of Great Britain.'

This is by no means an entirely satisfactory statement of a portion of the Home Rule case. The 'outraged sentiment of nationality' counts for much in the hostility between England and Ireland, but it does not count for everything, as Mr. Dicey would like us, for the convenience of his arguments, to assume that it does. English law in the main is disliked, not because it is English law, but because it has generally been enacted without the slightest regard to the wishes of the people upon whom it was inflicted. It would be absurd to say of a country which has so entirely adopted the English language that it has an unquenchable hatred to English law when the law is good. It hates English law very

naturally, and very rightly, because it has for so long been taught by bitter experience that English law is directly levelled against the majority of the Irish people ; because it has for so long been taught that it means one thing for the rich man and another for the poor, one thing for the landlord and another for the tenant, one thing for the Protestant and another for the Catholic, one thing for the supporter of what is called ' Ascendency ' and another thing for the advocate of what must be called ' Nationalism.' A little later on Mr. Dicey shows that the comparative success of France in the government of each of her foreign possessions is due to the fact that she ' governs it on the same principles as the rest of the French dominions.' Now this is exactly what England has not done for Ireland, and what, if we understand Mr. Dicey aright, he himself thinks England ought not and is not bound to do for Ireland. The Irish people would have been, in the English sense of the term, a law-abiding people long ago if English law had ever meant to them anything more than a series of outrages, tempered by reluctant and half-hearted concessions. It is simply nonsense to suggest, as Mr. Dicey's argument if pushed home would suggest, that the Irish people would submit to tyrannical and oppressive laws because they happened to be enacted in the name of an Irish Parliament. If it were possible for an Irish Parliament to enact new Penal Laws, or to place the tenant more helplessly and hopelessly at the mercy of rack-renting absentee landlords, the laws of that Irish

Parliament would not captivate the minds or win the affections of the Irish people. The advocate of Home Rule of course maintains and believes that the Irish people are better able to make their own domestic laws than the English Legislature, just as every head of a family believes that he is better able to regulate his own domestic affairs than his next-door neighbour.

Mr. Dicey then proceeds to a wide and comprehensive survey of Irish history, in the course of which he is compelled to admit that England has failed lamentably to administrate the affairs of Ireland in such a manner as to bring contentment to the one country or peace to the other. In the course of this argument he practically admits what I have just maintained, and which contradicts what I have refused to accept as a Home Rule argument.

‘A pickpocket or a burglar is as easily convicted in Ireland as elsewhere; the persons who lamentably enough are either left unpunished, or if punished may count on popular sympathy, are criminals whose offences, atrocious and cruel as they constantly are, are connected in popular opinion with political, and at bottom, it must be added, with agrarian questions.’

‘The feeling of nationality,’ he says, ‘has played a very subordinate part in fomenting or keeping alive Irish discontent.’ This is in no sense an accurate deduction from the conclusions at which we have arrived. While it is not the feeling of nationality alone which has prompted Irish hostility to the evils of English law, it is the very strong feeling of Irish nationality, fostered as it

has been in so large a measure by the very evils of that very law, which has united Irishmen for generation after generation in efforts to ameliorate that law. Without that feeling of nationality it is perfectly possible that the monstrous enactments might in the long process of time have crushed the spirit of the country, have changed its creed, have forced it even into yet more wholesale emigration, and have established peace in Ireland by leaving it a desert from the Hill of Howth to the Giant's Causeway. It is the feeling of nationality which has made men of Irish descent, born in America, men who never saw the Irish shores and in some cases whose fathers never saw the Irish shores, as eager for the welfare of the country and their kin as any Irishman in Ireland. Mr. Bright, in the days when he delighted to encourage Irish disaffection, dwelt with all the emphasis of his great eloquence upon the influence of the Irishmen across the seas. Neither Mr. Bright nor Mr. Dicey would be inclined to assert that that influence has at all diminished or that it is unimportant.

A Home Ruler, says Mr. Dicey, may say 'that a hatred to English law, and to all things English, and not a special dislike to the land law, is the sentiment which prevails over every other feeling of the Irish people. It is difficult to me to see how this view can be seriously maintained. Let us grant, however, for a moment that Home Rulers are right, and that millions of Irishmen are inspired with the passion of nationality. Even on this supposition the Home Rule doctrine stands in a bad way. If the

demand of the Irish people be like that of the Italian people—a demand for recognised nationality—then the demand must be satisfied, if at all, not by Home Rule, but by independence. The most eminent among English Home Rulers believes that the law is hated in Ireland because it comes before the Irish people in a foreign garb.'

Here again Mr. Dicey puts an argument which it is convenient for him to combat into the mouth of a Home Ruler and then assails it. Home Rulers do not, it must be reiterated, infer from the failure of the law that it is hated because it is foreign; they infer that it is hated because it has been habitually levelled against the feelings, wishes and beliefs of the Irish people. Nor does it in the least follow that if the Irish assert nationality that nationality cannot be satisfied with Home Rule.

There is about Mr. Dicey's arguments a characteristic of cool assertion which takes the place of logical argument, and may perhaps in the minds of the readers to whom he principally addresses himself succeed in supplanting it. He appears to be under the firm conviction that if he asserts a proposition that proposition is by virtue of his assertion a self-evident and unanswerable truth. To the assertion that Ireland's demand 'must be satisfied' if at all, not by Home Rule but by independence, one can only answer No, no, and again no. If the Irish people are content, as those who know them best assert that they are content, with Home Rule, it is gratuitously absurd to say that they do or ought to demand some-

thing quite different. As I have urged before, it is perfectly consistent with Ireland's highest claims to nationality for her to say that she is willing to enter into a fraternal alliance with England upon terms of equality, of justice, and of friendship which have hitherto been persistently denied to her. Mr. Dicey denies Ireland's nationality. He does not agree with the jurists of Jean Paul Richter, according to whom fifteen persons make a people. But whether he denies it or recognises it, it is not for him to assert what will or will not satisfy Irish feeling. That is a point upon which the Irish people are the best and indeed the only authority.

There is a certain measure of accuracy in the sentences in which Mr. Dicey sets forth the Home Rule argument in favour of self-government.

'Self-dependence is the source of self-reliance and of self-help. Leave Ireland to herself, and Ireland will (it is argued) develop the sense of responsibility and the power of self-government. Mr. Parnell or Mr. Davitt, as Irish Prime Minister, will be able to perform with ease feats beyond the reach of any English Cabinets. He will dare to be strong because he knows he is popular; he will punish conspirators with a severity unknown to modern English governments; he will feel that anarchy is the bane of his country, and he will not tolerate disorder. Boycotters, moonlighters, dynamiters or assassins will find that they are called upon to meet a force of which they have had before no experience. They will discover that they are engaged in a contest with the

will of the people, and deprived, as they will be, of the moral sympathy which has hitherto given them comfort and encouragement, will yield obedience to a law which is the expression of the national will. Self-government in Ireland means strong government, and strong government is the thing for Irish misery.'

The condition of lawlessness and of general disaffection brought about by a long series of bad laws, passed either in direct hostility to, or in indifference to, or in complete ignorance, of the wants of the Irish people, would scarcely be likely to thrive when there was a possibility of the laws being enacted and administered by men in direct sympathy with Irish feeling, in constant touch with the growth of Irish opinion, and with intimate acquaintance with the actual condition of the country. It would be rash, of course, to expect that the mere establishment of an Irish Parliament, and the appointment of Mr. Parnell as Prime Minister, would of necessity and instantly transport Ireland into the Saturnian age. Illegality and crime do not immediately vanish before the flaming sword of free institutions. But it is simply impossible to deny that there is a tacit sympathy with hostility to the law in Ireland, for the reasons already set forth, which would not be displayed if that law were administered according to Irish ideas. There is nothing surprising in this. A people to whom the law has always presented itself as something inimical and oppressive can hardly be expected to feel that detestation of offences against the law that they would naturally feel if the law were a

creation of their own desires, moulded to suit their own particular needs.

Mr. Dicey makes a great deal of capital out of the secession war between the Northern and Southern States of America. There is, however, little parallel between the case of the Southern States and the case of Ireland. The Southern States wished to withdraw from a contract into which they had freely entered; Ireland wishes, not to withdraw from, but to readjust the contract into which she was forced not only reluctantly, but by use of the most desperate measures at the command of the party enforcing the contract—by the sword and by corruption.

Mr. Dicey next makes a desperate attempt to deal with the difficulty of coercion acts. In the first place he endeavours to explain away and minimise as much as possible the meaning of the word 'coercion,' and then he strives to explain as satisfactorily as he can what coercive acts should be in order to make them palatable. All this kind of argument is from the purpose of the subject; the real point for consideration is this. England in the beginning of the century forced Ireland into a kind of contract called a union, which was to be the means of securing infinite blessings to both parties to the contract, yet the very existence of that union has only been maintained by a continual recourse to coercion, that is, to exceptional and extraordinary legislation. The Irish people were unable to see the blessings which the Act of Union effected, and the English Government en-



forced their argument by a practically unbroken series of coercive enactments. Now it is difficult for anyone who is not an arm-chair politician to believe in the inestimable advantages of a system which can only be maintained by throwing the ordinary law overboard and ruling Ireland with the high hand. Where is your boasted Union, with a large U, now? It is amazing to find the advocates of Mr. Pitt's Act striving on the one hand to maintain that the Union is inevitable and even a blessing, although it has only been maintained by permanent violation of the law, and on the other hand that these violations of the law are not, if nicely inquired into, really violations at all but something quite different.

Then comes the question of inconvenience to England—the great question, that is, of obstruction—that question which, according to Mr. Dicey's opinion of his countrymen, is the real cause of English converts to Home Rule.

‘What, then, is the harm which a body of eighty or ninety Irish members can work in Parliament? This is the answer. They may (it is said) in the first place delay, obstruct, and render impossible the carrying through of important measures; London may go without a municipality; widowers may wait for years without being able to marry their deceased wives' sisters; we may not during this generation get the blessing of a good criminal code, if Mr. Parnell and his followers sit in Parliament prepared to practise all the arts of obstruction. The Irish members, in the second place, perturb and falsify the whole system of

party government. The majority of Great Britain wish to be ruled, say, by Lord Salisbury ; the Parnellites do not care whether Lord Salisbury or Mr. Gladstone is Premier, but they do care for making the English executive feeble and ridiculous. They can, therefore, by the practice of a very little art, seize some opportunity of putting Lord Salisbury in a minority, and turning him out of office. Mr. Gladstone comes back into what is ironically called power. The same game begins again. The Parnellites coalesce with the Tories, we have a change of Cabinet, and possibly a dissolution. Nor are changes of Ministry the whole of the evil. The high tone of party politics is degraded. English or Scottish members of Parliament are but men ; they are liable to be tempted ; the Parnellites have the means of offering temptation ; and temptation, members of Parliament intimate to us, will in the long run be too great for their virtue. The presence, in short, at Westminster of eighty-six gentlemen who do not respect the dignity or care for the efficiency of Parliament is absolutely fatal to the success of Parliamentary government, and to the character of Parliamentary statesmanship. We must, it is inferred, let the Parnellites have a Parliament of their own in Ireland, or else we shall soon cease to have any Parliament worth keeping in England.'

I have quoted Mr. Dicey on this subject at so much length because it is only fair to put in evidence the worst that can be said against us, though I need hardly say that I do not admit the accuracy of his statements or the justice of his conclusions. But assuming them, Mr. Dicey

sees an easy remedy. Reform the procedure of Parliament, he says, introduce the closure, and hey, presto! obstruction is at an end and we have heard the last of the Irish question. In this mood Mr. Dicey is as light-hearted a politician as M. Émile Ollivier. He has, however, on this subject a staunch ally in Mr. Matthew Arnold, who has a perfervid belief in the efficacy of closure. The country, according to Mr. Matthew Arnold, who is a great poet, but who is neither Trophonius nor Vox Populi, has decided in favour of closure.

‘It has judged that the stringent remedy ought to have been long before now applied, and has condemned the House of Commons of impotence for not applying it. Factional men in the House of Commons may from party interest oppose a stringent reform of procedure; vain men may oppose it in the interest of their own importance; pedants, both inside and outside the House of Commons, may oppose it on the strength of stock phrases which perhaps had force and truth once but which have them no longer. But the body of quiet reasonable opinion throughout the country is in favour of a most stringent reform; and this opinion will heartily approve the Government if it undertakes such a reform and carries it through, will be displeased and alienated if it does not. Plain people will not be impracticable and insist on having closure by a bare majority, if the Government finds that time and labour are saved through accepting closure by a majority of three-fifths, or of two-thirds; but the more stringent a closure the

Government can carry, the better will plain people be pleased.'

Let us listen to Mr. Morley on this question.

'Great changes in the Rules may do other good things, but no single competent authority believes that in this particular they will do the thing that we want. Here is what Mr. Whitbread, for instance, has to say on a process which to Mr. Dicey is so perfectly simple and so infallible: "Do not dream that by any alteration of your Rules of Procedure you can deal satisfactorily with a body of men who are determined, if they can, to break down your system in the interests of their country. We could expedite business among men willing that the business should go on; but to think for a moment that you could make the closure a weapon of daily and hourly use in this House is a wild dream. If you could do so, you would destroy your Parliament." (House of Commons, April 12, 1886.) And Mr. Whitbread knows well what he is talking about. Lord Hampden has given us the same warning in language equally firm. We cannot avoid constitutional changes. One of the two or three contentions of the book before us is that the Irish proposals of the late Government were an innovation on the old constitution of the realm. But few men know so well as Mr. Dicey that, while ancient forms have survived, the last hundred years have witnessed a long succession of silent but most profound innovations. It was shortsighted to assume that the redistribution of political power that took place in 1884-5 was the last chapter of

the history of constitutional change. It ought to have been foreseen that new possessors of power, both Irish and British, would press for objects the pursuit of which would certainly involve further novelties in the methods and machinery of Government. Every given innovation must be rigorously scrutinised, but in the mere change or in the fact of innovation there is no valid reproach. Mr. Dicey himself suggests (p. 125) that we might look for a more searching remedy than change of procedure in an understanding that a Ministry would not retire after a hostile division, but only in consequence of a direct vote of want of confidence. Time may bring us to that, as it seems to be rapidly bringing our neighbours in France towards it. If Parliament breaks up permanently into groups, the new view of Cabinet responsibility will be a natural change. But it will be a palliative, and not a cure, for the Irish mischief; and in any case it will work a radical revolution in parliamentary government as we know it.'

The great blunder of Mr. Dicey's reasoning and of Mr. Matthew Arnold's reasoning consists in their impression that Irish discontent is somehow or other finally presented by Ireland's eighty-six members; and that if once they could be satisfactorily silenced the Irish difficulty would evaporate. This has been the train of reasoning of most statesmen since the Union; the idea always has been that if only the voice of discontent be silenced by State trials, imprisonment, exile, closure, or what not, the discontent will disappear at the same time.

There is a touch of unconscious irony about endowing Ireland with certain constitutional rights of representation and then devising ingenious gags to silence her representatives when they assert the sorrows of their country. But the methods of Mr. Dicey and Mr. Matthew Arnold will not do. They may be assured—and the great body of English Radicalism will so assure them—that to silence the constitutional representatives of a country is not the surest way of winning that country's affection, securing her friendship, and implanting in her a profound admiration for the laws that govern her and the legislators that frame them.

## CHAPTER V.

## UNION.

TRUE to his principle of setting forth the arguments on both sides, Mr. Dicey frames the following indictment against the Act of Union for the benefit of its opponents: 'Eighty-six years have elapsed since the conclusion of the Treaty of Union between England and Ireland. The two countries do not yet form an united nation. The Irish people are, if not more wretched (for the whole European world has made progress, and Ireland with it), yet more conscious of wretchedness; and Irish disaffection to England is, if not deeper, more widespread than in 1800.' An Act meant by its authors to be the source of such prosperity and concord as followed though slowly, upon the Union with Scotland, has not made Ireland rich, has not put an end to Irish lawlessness, has not terminated the feud between Protestants and Catholics, has not raised the position of Irish tenants, has not taken away the causes of Irish discontent, and has therefore not removed Irish disloyalty. This is the indictment which can fairly be brought against the Act of Union.

But these charges, he says, are of a purely negative

nature. The mass of ills for which the Union is constantly made chargeable were in existence before the days of Pitt or Cornwallis. Poverty and religious feuds, stern enforcement of law, and fierce secret opposition to it, rack-renting, eviction and agrarian outrage, all these are to be found in Irish history before ever the Act of Union became the most vexed and unstable entry on the statute-book. There is a certain subtlety in this effort to whitewash the Act of Union, but the argument is not sufficiently dexterous to turn our flank. The Act of Union is distinctly reproachable, not for what it did not do, but for what it did do. Its faults are positive as well as negative; the evils it inflicted are active as well as passive. The Act of Union distinctly and decisively retarded reform, deepened the animosities between the two nations, and has been from the first hour of its evil-omened existence the most unhappy obstacle to anything like a true union between two peoples whose fortunes ought to, and may yet run parallel. The reorganised Irish Parliament—Grattan's Parliament, as it is commonly called—is not an ideal legislative assembly in our eyes; it was not an ideal legislative assembly in the eyes of the men who were its contemporaries. But it was travelling on the right road of reform, and if it had only been left to pursue its own course of progress unimpeded, the history of a whole century would have been very different from what it is, and the animosities which have been kept alive between two neighbouring islands would have seemed but to us of to-day as the dim



memories of some unhappy dream. It is absurd to say that an Act of Union which was only carried by a stimulated rebellion and a purchased majority was merely a measure of a negative evil. Doctor Ironbeard in the German ballad seeks to cure a patient of gout by cutting off his leg. Presumably Mr. Dicey would argue that his medical brother's action was purely negative because it did not cure the gout and would take no notice of the fact that it left the victim legless, or rather uniped.

In setting forth his arguments against the Act of Union—dummy arguments if Mr. Dicey will allow us so to call them, carefully built up to look like solid substance, but so skilfully devised that when Mr. Dicey blows his trumpet they shall fall asunder to the apparent confounding of perverse Home Rulers—Mr. Dicey remarks incidentally, 'no maintainer or assailant of the Union is insane enough to propose the repeal of the Emancipation Act.' As a matter of fact we suppose no one is; but there is no reason why Mr. Dicey's friends, in so far as their arguments have any logical value, should not propose the repeal of the Emancipation Act. Catholics have no more rights as a body than Irishmen as a body according to Mr. Dicey's interpretation of the democratic idea. All the arguments which Mr. Dicey exhausts himself in using now against the repeal of the Union would have served his turn equally well to employ against the repeal of the Penal Laws. The Act of Union is not more venerable than the penal laws were at the time of their abolition; the Act of Union does not appear to

Mr. Dicey to be more essentially portion and parcel of the British constitution than the penal laws appeared to their admirers; the Act of Union does not appear to be more essential to the safety of the State than did the penal laws to the supporters of the Defender of the Faith; yet the penal laws were abolished on precisely the same grounds on which Home Rulers are now seeking to alter the Act of Union and build up a true union in its stead.

Mr. Dicey boldly asserts in defence of the Union that it 'ended once and for all an intolerable condition of affairs.' To this all Home Rulers with any acquaintance with history must offer a flat denial. It did not end, on the contrary, it heralded an intolerable condition of affairs. The condition of affairs it did away with was hopeful in the extreme. In spite of the persistent hostility of one of the most blundering monarchs that have ever misgoverned England, the Irish Parliament was steadily working its way to the swift accomplishment of those reforms which have some of them been effected since with so much travail and heavy sorrow. The Irish Parliament was by no means a perfect body; if it had been more perfect it would not have proved so easily purchaseable by Pitt. But it had in it the capacity for much good, and during the eighteen years of its existence Ireland made greater strides in the direction of peace, prosperity and reform than she had ever made before or has ever made since. Let me cite some excellent arguments which have been strung together to show

how much Ireland flourished during her eighteen years of Home Rule.

‘ Lord Clare, the leader of the Ascendancy party—a bitter opponent of the Catholics, and one of Pitt’s chief tools—published in 1798 a pamphlet containing the following account of Irish progress from the constitutional triumph of 1792: “There is not a nation on the habitable globe which has advanced in cultivation and commerce, in agriculture and manufactures, with the same rapidity in the same period.”

‘ Mr. Plunket—afterwards Lord Plunket and Lord Chancellor of Ireland, grandfather of the member of that name who was not ashamed to contend the other day at Shrewsbury that the coming Reform Bill ought not to apply to Ireland—thus described the progress of Ireland in a speech delivered in the Irish House of Commons, on January 15, 1800: “Her revenues, her trade, her manufactures, thriving beyond the hope or the example of any other country of her extent; within these few years advancing with a rapidity astonishing even to herself; not complaining of deficiency in any of these respects, but enjoying and acknowledging her prosperity.”

‘ The bankers of Dublin held a meeting on December 18, 1798, at which they resolved: “That since the renunciation of the power of Great Britain, in 1782, to legislate for Ireland, the commerce and prosperity of this kingdom have eminently increased.”

‘ The Dublin Guild of Merchants were of the same

opinion. On January 14, 1799, they met and resolved : "That the commerce of Ireland has increased, and her manufactures have improved beyond example, since the independence of this kingdom was restored by the exertions of our countrymen in 1782."

'Mr. Jebb, member for Callan in the Irish Parliament and afterwards a judge in the Court of King's Bench, thus speaks of the advance of Ireland, when emancipated for a time from English legislation: "In the course of fifteen years, our commerce, our agriculture, and our manufactures have swelled to an amount that the most sanguine friends of Ireland would not have dared to prognosticate."

'Here, then, we have the evidence of the leader of the Ascendancy party, of a Lord Chancellor, of a judge of the King's Bench, of the bankers and merchants of Dublin, as to the progress of Ireland under Home Rule.

'But, it may be said, "after all, this is but Irish evidence, and the best of Irishmen are apt to romance." Well, the Irishman is strong enough to meet the Britishers even here. Even Mr. James Lowther would allow that Mr. Pitt is a respectable witness. What, then, is his evidence on this point? In his speech in the House of Commons on January 31, 1799, Mr. Pitt, having alluded to the prosperous condition of Irish commerce in 1785, goes on to say: "But how stands the case now? The trade is at this time infinitely more advantageous to Ireland."

'No Whig will question the authority of Mr. Grey,

afterwards Earl Grey, and father to the present veteran holder of that title. What, then, said Mr. Grey? "Since the abolition of the heritable jurisdiction, the prosperity of Scotland has been considerable; but certainly not so great as that of Ireland has been during the same period."

'In 1782 Ireland exported merchandise valued at 3,800,000*l.*; in 1792 her exports had risen in value to nearly 11,000,000*l.* In 1784 Ireland exported 24,000,000 yards of linen; in 1792, 45,000,000.'

Again Mr. Dicey harps upon a former string. 'The transactions which discredited the passing of the Act of Union give no ground for repealing it.' A very positive statement of a very poor argument. If the Act of Union had proved a blessing to England and to Ireland, then, indeed, the fact that it had been juggled into existence by means discreditable even to the statesmanship of a century ago, and utterly loathsome to the statesmanship of to-day, would not be sufficient to set against its good results. But if a measure begotten of all unspeakable baseness, corruption and blood-guiltiness prove in its effects to be the worthy offspring of the evils that engendered it, why, then, the transactions which discredited its birth do count for something in its historical indictment. It may not be precisely a child's fault if, born of a harlot mother and murderous father, it develops the lewd and cruel instincts of its sire and dam. But in the scientific investigation of that child's life the conditions of its parentage are a very essential factor.

'The support of the Union is,' says Mr. Dicey, 'the policy that holds the field.' On the contrary, it is the principle of Home Rule that holds the field; it is Mr. Gladstone's scheme that holds the field. A policy which has made in a comparatively short time so many and so illustrious converts, which has been freely adopted by the greatest statesman of the age, and which was only for a moment defeated by an Unholy Alliance and an Opera-House cabal, is the policy that holds the field. Mr. Gladstone is the knight-challenger, and it is for his antagonists to answer, as best they may, his challenge. In Mr. Dicey they have found a self-chosen champion whose utterances have filled them with amazement and delight. He has formulated their own wild ideas with that appearance of order which is peculiarly captivating to the irregular mind, and when he rolls off some such easy assertion as this, that 'any man who has eyes to see and ears to hear may easily convince himself that the creation of an Irish Parliament must be the beginning, not the end, of a revolution,' they accept deliberate assertion for deliberative argument and hail a Daniel come to judgment.

But there has been, according to Mr. Dicey, one great gain from the Act of Union: 'That the Treaty of Union has, disappointing and even harmful as some of its results have been, formed a guarantee against successful rebellion, hardly admits of question. The difference between the abortive revolt of 1848 or the Fenian disturbances of 1866, and the desperate insurrection of 1798, affords

some measure of the strength which the legislative unity of the kingdom has added to the English crown.'

As a matter of historical fact there is no parallel whatever between the revolutions of 1798, 1848, and 1866. The peculiar magnitude of the rebellion of 1798 was due not at all to the non-existence of the Act of Union but to the existence of the wasting foreign war. Had England been involved in a foreign war in either 1848 or 1866, those two insurrections would have assumed very different proportions.

It must be distinctly borne in mind that the Act of Union has increased instead of diminishing the danger to the Empire. Let me quote in this connection a Home Rule writer to whose words I have been already more than once indebted. 'Danger to the Empire? Why at the present moment Ireland is a source of uttermost danger to the Empire. Some Englishmen will say that they don't care, that they can always keep Ireland down. Exactly; if nothing happens. But as Mr. Bright once said, I think on this very subject in the House of Commons, accidents are always happening. There may be some great foreign war with England in the thick of it; which would it be better then to have, an Ireland conciliated by the admission of her right to self-government, or an Ireland burning with anger at the persistent refusal of her national claim?' Arguments such as these are adduced in no sense as threats. Threats are as unseemly when made by a weak nation against a strong one as they are brutal when used by a strong nation against a

weak. But it is surely wise to look on facts as they are. The rebellion of 1798, to which Mr. Dicey alludes, owed its importance to the fact that England was involved in a foreign war; the armed constitutionalism of the Volunteers of 1782 owed its importance to the fact that England was engaged in a foreign war. The Act of Union counted for nothing in minimising the risings of 1848 and 1866. It is in England's power, by a deed of justice, to make Ireland a source of strength and safety; a blind adherence to the unlucky Act of Union can only make her a source of daily increasing danger and weakness.

If the disaffection which broke into active insurrection in 1848 and 1866 was, as Mr. Dicey argues, less fervid than that which animated the rebellion of 1798, the cause of such healing influence is due not to the Union, but in spite of it. Catholic Emancipation, one of the most powerful factors in lessening discontent in Ireland, was not fostered but retarded by the Act of Union. If it had not been for the Act of Union, Catholic Emancipation would have been conceded by an Irish Parliament, in all probability, a generation earlier.

'One remark,' says Mr. Dicey, 'may with advantage be made at this point of our argument, since it holds good of every possible scheme for repealing or modifying the Union. Powers conferred upon an Executive and a Parliament at Dublin must, from the nature of things, be a deduction from the powers which can be exercised by the Parliament and Ministry at Westminster. This



is a principle the truth of which is independent of the wishes or fancies either of Englishmen or of Irishmen. "The more you have of the more," runs a quaint Spanish proverb, "the less you have of the less." The saying is of mathematical certainty, but the depth and variety of its application are constantly forgotten in the excitement of controversy.'

Mr. Dicey's mathematical argument serves him in no stead. 'Have at you with a proverb' he says in effect, to which I can only answer in the words of 'The Comedy of Errors,' 'have at you with another.' 'As much is lost by a card too many as by a card too few' is a Spanish proverb, as quaint and as serviceable as Mr. Dicey's. To delegate is in no sense to deduct, and, in spite of Mr. Dicey's assertion, the Act of Union may be modified and an Irish Parliament established at College Green, without any deduction from the powers of the Parliament at Westminster. The powers of a Prime Minister are not decreased because the duties of administration are divided among his colleagues of the Cabinet, nor are the powers of the Cabinet decreased because each individual member employs a number of secretaries to aid him in carrying out work which it is impossible for him to carry out unaided. When the Parliament at Westminster attempts to accomplish more than it can perform, it is absurd to talk of its powers; its weaknesses would be a fitter term. Powers of the kind proposed to be conferred upon the Irish Parliament can only strengthen an Imperial Parliament at Westminster, now

struggling and floundering in the midst of a mass of complicated responsibilities and duties with which it is wholly incapable of grappling. The man who is over-armed is not a good fighter; the man who is over-clothed is not a good walker or worker. The British Parliament, in its present condition, is about as well equipped for its work as Tommy Atkins would be in a suit of plate armour, or a university athlete if he attempted to box in fishing-boots and a fur coat.

Mr. Dicey gets very foggy in his next paragraph. 'In Belfast, even a Nationalist must, if he is a peaceable citizen, feel that the withdrawal of the Queen's troops would not conduce to his comfort.' But it does not of necessity follow that because a Home Rule Government were given to Ireland the Queen's troops would be withdrawn from Belfast any more than they would be withdrawn from Edinburgh or York. Even without Home Rule the presence of the Queen's troops has not prevented Belfast from becoming the scene of a free fight.

Mr. Dicey treads on surer ground and strikes a truer note when he rebukes certain of his countrymen thus: 'If Englishmen could learn to speak and think of Irishmen with the respect and consideration due to fellow-citizens, if they could cease to jeer at Irishmen now as not much more than a century ago they used to jeer at Scotchmen, the Union would soon become something more than a mere work of legal ingenuity.'

This is only saying over again what General Gordon said in a letter written and made public some six years

ago, and which may be recalled here, as it cannot too often be recalled :

X ' I have lately been over the south-west of Ireland,' General Gordon wrote, ' in the hope of discovering how some settlement could be made of the Irish question, which, like a fretting canker, eats away our vitals as a nation.' After speaking of the ' complete lack of sympathy ' between the landlord and tenant class, General Gordon went on : ' No half-measured Acts, which left the landlords with any say to the tenantry of these portions of Ireland, will be of any use. They would be rendered—as past Land Acts of Ireland have been—quite abortive, for the landlords will insert clauses to do away with their force. Any half-measures will only place the Government face to face with the people of Ireland as the champions of the landlord interest.' General Gordon then proposed that the Government should, at a cost of eighty millions, convert the greater part of the south-west of Ireland into Crown lands, in which landlords should have no power of control. ' For the rest of Ireland I would pass an Act allowing free sale of leases, fair rents, and a Government valuation. In conclusion, I must say from all accounts, and my own observations, that the state of our fellow-countrymen in the parts I have named is worse than that of any people in the world, let alone Europe. I believe that these people are made as we are, that they are patient beyond belief, loyal, but at the same time broken-spirited and desperate, living on the verge of starvation in places where

we would not keep our cattle. . . . Our comic prints do an infinity of harm by their caricatures. Firstly, the caricatures are not true, for the crime in Ireland is not greater than that in England ; and, secondly, they exasperate the people on both sides of the Channel, and they do no good. It is ill to laugh and scoff at a question which affects our existence.' It is impossible to avoid reflecting with melancholy bitterness on the different aspect that the Irish question would now wear if a man like Chinese Gordon could have been sent to administer the country in the place of the hostile or apathetic administrators who have succeeded each other in Dublin Castle. It is impossible, also, to reflect without regret on the different aspect that Anglo-Irish affairs would probably now wear if writers like Mr. Dicey had learned to 'speak and think of Irishmen with the respect and consideration due to fellow-citizens,' and had exercised more scrupulousness in attributing to them sentiments which they never entertained, and sympathy with crimes for which they have nothing but detestation.

We may be pardoned, too, if we express some surprise at Mr. Dicey's emphatic declaration that 'the nineteenth century is not the age for small States or for weak States.' There is a bluff, cheery defiance of history in such a statement as this which has almost an exhilarating effect. There is something highly enviable in a mood of mind which allows a thinker to believe any wild assertion which serves to support his favourite

arguments. The nineteenth century is not an age for small States. Is it not? What of the rehabilitation of Greece? What of all the principalities called into individual existence from the swollen empire of the Ottoman? The nineteenth century is not an age for weak States? What of Bulgaria, for whose sake the Ministry, on whose Unionistic proclivities Mr. Dicey so much relies, was within an ace of going to war? What of Servia, for whose sake the Greek Cross beat back the Crescent of El-Islam, and the armies of the Tzar halted within sight of the walls of Istamboul? The nineteenth century is peculiarly an age for small States, and even for weak States, for it has called many small States into existence, and seen blood spilt like water to assure the safety of weak States.

Mr. Dicey's final argument in favour of the Act of Union will not carry conviction with it to minds not already made up. 'No scheme (either of Home Rule or of Irish independence) has been proposed, nor, it may be said with confidence, ever can be proposed, which, disguise the matter as you will, does not savour of treachery to thousands of Irishmen who have performed the duties and claim to retain the rights of citizens of the United Kingdom.' Was there ever a more lame and impotent piece of reasoning? Such an accusation might be levelled against every piece of reformatory legislation that has ever been enacted. On this ground it is 'treachery' to improve any law, no matter how antiquated or how noxious, if the improvement is perchance a cause of annoyance to those who benefited by its injustice and

who thrive upon the evils which were destructive to the majority of their fellows. It is 'treachery' to employers to legalise strikes, to limit the hours of employment of factory hands, to release women from mining slavery. It was 'treachery' to opulent landholders to disfranchise comfortable pocket boroughs; nay, more, it was 'treachery' to all the possible Mr. Burkes who might have owed illustrious careers to the convenient starting-point of a great man's patronage and a great man's power of creating a representative of the people. All this is folly. There never yet was an unjust law abrogated, there never yet was a just law evolved, without those who fattened on the one and who dreaded the other raising the cry of 'treachery.'

Let it be distinctly understood, however, that the Irish people bear no grudge against, and cherish no hostility to those who raise this cry of 'treachery.' Let the empire by all means see to the safety and the welfare of all its citizens. Those who have thriven upon the injustice, of which the Act of Union is the legal expression, have a right to demand from the parent State which planted them in Ireland as in an enemy's country all the protection that they think they need. But the Irish are a liberty-loving people, and those who know them well know that there is no fear that the hands which have been held up for justice long sought and long denied will ever be turned to deal injustice to any body of men. The Irish people ask for justice; they are prepared to forget and to forgive the past.

## CHAPTER VI.

## SEPARATION.

MR. DICEY devotes a whole chapter, a chapter of four-and-twenty pages, to considering the question of separation in all its various phases of possibility. This might appear at first to be a somewhat gratuitous piece of work. The Irish people, speaking in the most constitutional manner by the mouth of six-and-eighty representatives—representatives of protestant Ulster as well as catholic Connaught, Munster, and Leinster, representatives of Derry and Belfast as well as of Dublin, Cork, or Limerick—ask very distinctly, decisively, and definitely for something which is not separation. They ask for Home Rule. After due deliberation, after long and bitter suffering, the Irish people have elaborated a principle upon which they may meet England fairly; they have formulated what they think ought, with justice and with safety to themselves and to England, to be agreed upon between the two countries whose association now appears to be inevitable. This is not asking for separation, it is asking for union in the true sense, for that union which the paltry measure of Pitt's, bought as it was with so

much gallant blood and so many rascal counters, wholly failed to secure, and would, if it were suffered longer to exist, always fail to secure. Under these conditions it might at first sight appear to a student unacquainted with Mr. Dicey's methods to be somewhat superfluous to discuss the question of separation. After he has read Mr. Dicey's book carefully he will find out why it has not seemed superfluous to its author. Mr. Dicey's aim all through his book is to injure the Home Rule cause as much as he can by comparing it unfavourably with the revolutionary proposal of separation. He knows well enough how horribly the word 'separation' sounds in English ears, and so he acts the part of Hotspur's stalling, 'taught to speak nothing but "separation."' He labours, therefore, not without ingenuity, to show that Home Rule is not separation in disguise, but, in the words of Julius Cæsar, something 'more dangerous,' something 'elder and more terrible.' There are moments when Mr. Dicey seems almost converted to a separatist policy, so cunningly does he endeavour to portray its vast superiority from all points of view to the proposals for Home Rule as framed by Mr. Gladstone, Mr. Parnell, or anybody. So energetic is he in his advocacy of separation—as against Home Rule, of course—that he goes out of his way again and again to assure Home Rulers that they are not, or at least ought not to be, Home Rulers at all; that if they knew their own business properly they would become at once the separatists that, unknown to themselves, they really are. It is very kind of



Mr. Dicey to explain our real opinions to us in this way ; it is skilful of him, too, to apologise for separation and the supporters of separation, in order that by thus apologising he may make Home Rule a little more unpopular with the audience he addresses.

But, to use a rough-and-ready expression, it 'won't wash.' Home Rulers are not separatists, in spite of Mr. Dicey's argument to so convince them, any more than Abou Assan was the Commander of the Faithful. It has been truly said that to give Ireland a national parliament is the best and only way to prevent her from agitating for separation. But Mr. Dicey would very much prefer that she should agitate for separation, for while he knows in his heart that the English people will in all probability concede a system of Home Rule to Ireland, they would be very unlikely indeed to listen with favour to any demands for separation. So he straightway discovers all manner of virtues in separation and in the supporters of a separatist policy, and endeavours desperately to belittle Home Rule in the eyes of its advocates, in the vain hope of making them discontented with their case and hungry for some more far-reaching policy. But it will not do. Irish Nationalism and English Liberalism have come to a common understanding, and it will take more ingenious sophists than Mr. Dicey—and Mr. Dicey is excessively ingenious—to divert them from their alliance.

To the convinced Home Ruler an argument over separation just now, even when employed to throw dust

in the eyes, seems singularly inappropriate. When the question of separation is brought forward let us discuss it by all means, a Home Ruler might very fairly urge, but just now we are busy discussing Mr. Gladstone's Bill, and such proposals and modifications as arise from it, and separation is for the moment not on the paper. But since Mr. Dicey has insisted upon drawing the red herring of separation across the Home Rule trail, it may be worth while to follow for a while the false scent, especially as we are perfectly aware that it is a false scent, and leads nowhere. A well-known writer, who is at least as able a man and at least as competent an authority on all matters of thought as Mr. Dicey, Mr. E. S. Beesly, has said some notable words on separation. 'I do not desire the complete separation of Ireland from England, but I do not fear it. The two countries have many interests in common, both public and private; and if they can arrange some terms of union which shall be acceptable to each and shall give to each the inestimable advantage of Home Rule, it will be a happy consummation. But sooner than go on as we have been going on for the last hundred years, and especially for the last ten years, I should welcome complete separation.' Here we have a great thinker accepting the possibility of separation, not as a better alternative to Home Rule, but as a better alternative to the condition of things which calls for Home Rule to rectify it. There are some other words of Mr. Beesly's in this same paper which strike so sharply at the patches in Mr. Dicey's armour that I must needs

quote them. 'Perhaps the argument most persistently brandished in the face of English sympathisers with the Irish demand for Home Rule, is that it will lead, and is meant to lead, to separation. It may be remarked in passing that the same people who tell you this will tell you in the next breath that the bulk of the Irish people care really for nothing but the Land Question, and that Mr. Parnell would never have got them even to nibble at Home Rule if he had not baited it with tenant right.' An argument like this, which appeals to the English holders of Irish land, is not likely to appeal to the English working man who knows and does not love the Irish landlord. But as they could hardly be expected to feel much enthusiasm for Home Rule if it really menaced the welfare of England, Mr. Beesly examines into the bugbear which fascinates while it alarms Mr. Dicey. Here is what he says, and seldom were words better worth reading carefully at a time when Mr. Dicey condescends to devise arguments for closure and coercion :

'There was a time, and it is not so far distant, when in the race for bigness any weak country did run a risk of being snapped up, merely to add to the acreage and population of a powerful neighbour. I believe that many people are so unobservant as to imagine that this danger is as great as ever. Certainly, I have often heard the remark that if we dropped Ireland she would be annexed by France or America. One is almost ashamed to undertake a serious refutation of so ludicrous a delusion. Ninety years ago the French Govern-

ment of that day did plan a conquest of Ireland ; and many Irishmen at that time would have welcomed it. But even then Bonaparte pooh-poohed the scheme, pointing out to the Directory that Ireland was much more embarrassing to England as she was than if she were a French province. At the present time it may be safely said, that there is not a single Irishman or a single Frenchman who would listen to such a proposal with patience. That many, perhaps most Irishmen, would gladly join the United States, I quite believe. But nothing is more certain than that if Mr. Parnell went down on his knees for it, and Mr. Gladstone joined in his entreaties, the United States would not accept Ireland at any price. It has been a wise rule of their policy from the first to annex no transmarine territory, and Ireland is certainly the last country for which they would break it.

‘I have thought it well to notice this absurd delusion, because I know that it prevails widely among ill-informed people. No statesman would think of countenancing it, except perhaps Lord Randolph Churchill, if he found himself addressing a peculiarly ignorant audience, where there happened to be no reporters. Need I stop to examine the fearful probability that four millions and three-quarters of Irishmen would attempt an invasion of the thirty-two millions who inhabit this island ? There are people, I know, who measure the distance from Kingstown to Holyhead, or, worse still, from the coast of Antrim to the Mull of Cantire, and

shake their heads. But there are some things one cannot argue about with gravity.

‘The military disadvantages of Home Rule or separation usually dwelt upon are of quite another kind. It is said we had better hold Ireland fast while we have got her, because it would be a difficult matter to reconquer her. Certainly it would. And glad I am to think it. To chastise her if she deserved it would be easy enough. But if she were separated from us to-morrow, for any reason or by any means, there would not in twelve months’ time be a single public man in England who would desire to reconquer her. Whatever shape chastisement might take, it would not be that. Don’t tell me that we should go back to collect taxes or rents, or to take the part of an oppressed Ulster. When once John Bull has tasted the blessing of freedom from the Irish yoke, nothing will induce him to run his neck into it again.

‘As for the ancient parties, the certainty that they will have to get along together somehow, and settle their differences without the intervention of Lord Randolph Churchill, is the one thing needed to make them drop their weapons. Material interests will assert themselves. It is not the well-to-do people who have anything to fear. They will manage in the long run to hold their own in Ireland, as they have done everywhere else from the beginning of history; and, for the matter of that, considerably more than their own. At present they are heavily weighted by our impotent champion-

ship. When the curtain rises, and self-governing Ireland is discovered entering on her new career, it will be found that parties have sorted themselves with amazing promptitude, and after a quite unexpected fashion. The sight of Mr. Parnell and Mr. Healy, with Down and Antrim at their back, rallying the party of order, restoring confidence, re-enlisting the old constabulary, suppressing moonlighters, passing an alien Act for the benefit of Mr. O'Donovan Rossa, and haggling with Messrs. Rothschild about the price of issue of a 4 per cent. loan, will make people over here rub their eyes. The landlords who, unwisely relying on Opera-house unanimity, and the political acumen of Professor Tyndall and the Poet Laureate, allowed the sand to run out of Mr. Gladstone's hour-glass, will cling to the uncrowned king, and console themselves with the reflection that he is the owner of acres in Wicklow, and has granite quarries to develope. History has yet to furnish an example of any community failing to organise adequate protection for life and property, when foreign complications are not present.

'And now observe. When once we have realised that union with Ireland is not so valuable to us as to be worth any considerable sacrifice, from that moment it becomes possible to establish it on a solid and permanent basis. For the truth is that Ireland has vastly more to gain by union than we have. Oddly enough this important truth is being constantly asserted by English politicians who yet have not the good sense and courage to act upon it.

It is a truth which hitherto has been somewhat obscured from the perception of the Irish, because they have never yet had occasion to give it a thought. But it must certainly have afforded matter for serious reflection within the last few weeks to those able and distinguished Irishmen who are likely soon to be responsible for the government of their country.

‘What it comes to is this. The Irish are at present masters of the situation, because we are afraid of separation and they are not, or rather think they are not. But the moment we make up our minds that it will be better for us to separate than to be governed by Ireland—which is virtually our fate now—we are in a position to offer them independence on either the colonial or federal model, subject to all such conditions as we can reasonably desire to impose. At present, Mr. Gladstone is challenged to prove that the guarantees he has devised will be of any avail against the bad faith or ill will of the Irish people. It must be confessed that there are only two possible guarantees which can be worth anything: either a readiness on our part to reconquer Ireland, or a readiness to cast her off; and of these, the latter has the advantage in respect of justice, cheapness, ease, rapidity, and, in my opinion, efficacy.

‘How humiliating is the position now of an English minister in negotiation with Mr. Parnell. The latter, as in duty bound, resents every guarantee as an indignity, haggles over every penny of money, treats every restriction as a rag of the old tyranny, and after all—reason-

ably enough—points out his inability to pledge his successors to be satisfied with the concessions made now. The minister cannot threaten coercion, for the weapon has broken in his hand, and no coercion is of any use unless it is carried to a point which public opinion here is not prepared to tolerate. What a novel and inspiring sensation of strength would he experience if he could meet every unreasonable demand or unfulfilled obligation with the threat, not of doing something, but of ceasing to do something. Get us into no scrapes with foreign powers or we dissolve partnership; pay up your federal contribution, or we cut you adrift; vote additional supplies for this war and call out your militia, as we are doing, or we shall leave you to make the best terms you can with the enemy; boycott our goods, and we shall boycott yours. What refreshing language this would be!

‘As long as our demands were reasonable and fair in themselves, enlightened self-interest would ensure their acceptance. Just consider what disruption of the Union would then mean for Ireland. Where could she raise a loan except in England? Where could she send her produce except to England? Where could an Irish joint-stock company be floated except in London? Irishmen in our army or navy or civil service, Irish clergymen, doctors and lawyers residing in England, would they like to be called on to opt between English and Irish nationality? How would Irishmen get on abroad without the protection of English ambassadors and consuls? Would they, the poorest nation in Europe, like to go to the



expense of setting up a separate army, navy, and diplomatic service? If Ireland undervalues these advantages now, it is because she has to set against them the denial of Home Rule. Concede Home Rule, and they become clear boons, not to be lightly thrown away or trifled with.

‘Mr. Gladstone has told us plainly that he has introduced the so-called guarantees into his Bill only as a concession to jealousies which he did not share, and regarded as a weakness. I have no doubt he sees clearly what I have endeavoured to point out, that in the well-proved absence of a determination on the part of the English people to trample out Irish patriotism by brute force, there is only one guarantee for the maintenance of the Union which is of any efficacy; and that is a readiness to throw up the Union. “He that loveth his life shall lose it, but he that hateth it shall keep it unto life eternal.” Let Mr. Gladstone plant a firm foot on reality. Let him drop these idle and irritating precautions. He will not only conciliate the Irish, but he will pull the linchpin out of the whole argument of such a critic as Mr. Justice Stephen. As long as he admits that the Union is something never to be surrendered he puts the long arm of the lever into the hand of Mr. Parnell, and furnishes the Imperialists with an opportunity of scoring a petty triumph in the conflict of words.

‘I have not pretended to deal in these few pages with all the subordinate issues that have arisen in the Home Rule controversy. It was the less necessary to do so because I have gone straight to the root of the matter.

If I have seemed to argue the question chiefly from the point of view of English interests, I trust no one will suspect me of placing these above English duties. I am addressing myself principally to our working men, and I know that after all nothing moves them so much as an appeal to their sense of justice and moral right. They do not need to be reminded of the cruel wrongs our country has inflicted on Ireland, wrongs which we only began to redress seventeen years ago. I believe they will think that it is not enough to redress these wrongs, but that some reparation for them is due. While I would not pay a penny to Ireland by way of blackmail, or as a bribe to induce her to accept a settlement which does not and ought not to satisfy her, I would cheerfully make her a parting gift of the fifty millions which the landlords have spurned, to be expended on public works, as some compensation for the poverty in which English rule has sunk her. I believe our workmen would give it for such a purpose with an open heart, though they naturally grudge it to the landlords. . . .

‘I remember when the liberation of Italy and the abolition of slavery in the United States seemed distant and even improbable. That I should have been privileged to see two such glorious triumphs of justice and humanity in my time was more than my share of good fortune. And now I have lived to see the dawn of another glad day, rich in its promise of a future, happier for Ireland, nobler for England. Nay, it is no mere promise for the future. We are to-day better men and

happier men, those of us who are putting our hands to this sacred work, because the uneasy load of national wrong-doing is already lifted from our consciences. Not ours any more the guilt if we are doing our best, each of us according to his means and opportunities, to wipe it away. Nothing can give peace of mind in political action but a firm resolve never to recognise as politically right what is morally wrong. Those who know that peace must from their hearts wish it to all their countrymen.'

It is refreshing to the mind to read sentences like these, after spending any time over Mr. Dicey's speculations as to the results which might happen if the separation which Ireland is not asking for were conceded to her instead of the Home Rule which she is asking for. Better separation, says Mr. Dicey, than Home Rule which according to its Irish and its English advocates would give peace to a distracted, prosperity to an impoverished, and affection to a disaffected country. Better separation than Home Rule, although separation must mean the disgrace and might mean the ruin of England. Better separation, says Mr. Beesly, than the *status quo ante* Mr. Gladstone's Bill. Better separation than the enforced adhesion of a mutinous and hostile State, because separation, if we needs must separate, would mean neither disgrace nor ruin, but be a very distinct advantage to England and a very distinct harm to Ireland. Better separation than things as they are, but better Home Rule than separation.

## CHAPTER VII.

## THE FOUR FACES OF HOME RULE.

THE seventh chapter is in truth the very core and kernel of Mr. Dicey's volume. Here, for the first time, he fairly fronts the question of Home Rule, studies, or affects to study, the matter in all its aspects, and finds that all is vanity. Mr. Dicey is the very Koheleth of political reform.

The sum of Mr. Dicey's various arguments, roughly estimated, amounts to this. England has, it is true, in other cases and at former times succeeded by making certain concessions and adapting herself to new and changed conditions in binding her dependencies more closely to her, and in converting what threatened to be dangerous enmities into close and abiding friendships. But the evidences of the past afford Mr. Dicey no comfort in the present. It passes the wit of man, according to the drift of Mr. Dicey's argument, to devise any means whatever by which Ireland can be conciliated, comforted, and rendered the blessing instead of the bane of England.

It is fortunate for English statesmanship that Mr.

Dicey's political pessimism has not been the key-note of former administrative efforts in England, and is not likely to be accepted as such in the future. Englishmen have often delayed long enough in the carrying out of imperative reforms, but they are not as a rule given to admitting, as Mr. Dicey to all intents and purposes practically admits, that a task is altogether too difficult for their strength. The pacification of Ireland is a duty which devolves upon all classes of Englishmen alike, and which appeals to the Tory as directly as to the Liberal, to the so-called 'Unionist' as well as to the Radical. Mr. Dicey appears to think, as we have seen, that much of the English acquiescence in Home Rule is due to the dislike to struggling with eighty-six Parnellites—a singularly inaccurate, unpatriotic conclusion; and from this he draws another argument still more inaccurate, namely, that if these eighty-six were fairly disposed of the troublesome matter would be more or less settled. In point of fact Mr. Dicey persists in arguing as if the eighty-six Parnellites represented a whole novel force in politics; as if they were some strange anomaly which, once successfully out of sight, could scarcely be expected to reappear. English and Irishmen who take a more comprehensive and a more historical view of the whole question than Mr. Dicey, cannot pass the matter aside with this light-hearted finality. The eighty-six are only the most recent phase of a struggle of, in one sense, as many years, and in another sense a great many more—the struggle to obtain a proper adjustment between England

and Ireland. To do Mr. Dicey justice, he is not the first who has so blundered. Every year of agitation since the Union has evolved its own 'arm-chair' arbitrator, to adopt the happy baptism of Mr. Thorold Rogers, who has solemnly assured the city and the world that if once this business is disposed of—whether the business of O'Connellism, Young Irelandism, Fenianism, or Parnellism—all will be eternally well—all will indeed, as a famous and no less profound philosopher observed, 'be Gas and Gaiters.'

All this is confounding the effect and the cause with a vengeance. As I have already urged, if all the eighty-six were disfranchised to-morrow; if Irish representatives were denied not merely a local Parliament but the right of entry into an Imperial Parliament; if the newest rules of procedure ran that no Irish matter should ever be debated at Westminster, the Irish question would be no nearer to solution, and Ireland's difficulty, danger, and expense to England would be no lighter than before.

While, however, we do not for a moment believe that Englishmen at large will adopt the baffled pessimism of Mr. Dicey, we must none the less be at the pains to follow out the course of Mr. Dicey's argument with all the care it deserves. It has impressed a certain number of people. Let us see what they were impressed by.

Mr. Dicey divides the Home Rule propositions into four heads:—

I. Home Rule as Federalism.

II. Home Rule as Colonial Independence.

III. Home Rule as the revival of Grattan's Constitution.

IV. Home Rule under the proposed Gladstonian Constitution.

He examines each of them in turn with considerable care. He then lays down the conditions essential to any scheme of Home Rule calling for serious consideration.

'Any scheme of Home Rule which can conceivably be accepted by England must, it is admitted, satisfy the following conditions:—

'It must in the first place be consistent with the ultimate supremacy of the British Parliament.

'It must in the second place be just; it must provide that each part of the United Kingdom take a fair share of Imperial burdens; that the citizens of each part have equality of rights; that the rights both of individuals and of minorities be safely guarded.

'It must in the third place promise finality; it must be in the nature of a final settlement of the demands made on behalf of Ireland, and not be a mere provocation to the revival of fresh demands.

'It must, in short, to sum up the whole matter, be, as already insisted upon, a scheme which promises to England at least not greater evils than the maintenance of the Union or than Irish independence.'

He thrusts these conditions before us as the peasants in some parts of Holland thrust their knives into the table as a defiance or a challenge, and proceeds to see if any of the four possibilities of Home Rule meet with the

required conditions. Now the first of the four faces of Home Rule is Federalism.

Mr. Dicey's dictum that 'Federal Government is the latest invention of constitutional science' might perhaps be not unfairly questioned. In so venerable and ancient an associated institution as the Amphictyonic League we find traces of a federal system, and we might, if we were inclined to stretch arguments as Mr. Dicey does, to the limits of phantasy, find a vague resemblance between the terms of the oaths concerning the Delphic temple and Mr. Dicey's own occult phrases of reverence for the 'Constitution,' which in another place he practically admits does not exist. But even if we were ready to admit that Federal Government is only the invention of yesterday or to-day we are not bound to implicitly accept Mr. Dicey's comments on it. Mr. Ruskin has a way of occasionally discomfiting his opponents by asking them what they mean by the words they use, which is highly embarrassing to his adversaries, and yet which is often in the utmost degree salutary. Mr. Dicey is peculiarly fond of making great play with words which, while appearing to be precise, are in reality exceedingly vague. Let us therefore not unprofitably spend a few minutes in settling comfortably what we mean, or rather what is meant, by Federalism. After all, federation is only a word of Latin origin, and means 'a league,' but to make assurance doubly sure let us take down our Latham and look at the word 'federal.' What do we find? 'Federal, relating to, consisting in, or constituting, a league or



contract, especially relating to a federation of states.' This sends us to 'federation,' and in its turn to 'confederation.' Confederation we find to be a 'league, compact of mutual support, alliance.'

Now Mr. Dicey and his friends must not or need not suppose that I am quoting a dictionary as an inspired authority. My purpose solely is to show that the terms 'federal,' 'federation,' and the like, are vague terms to which it is not possible to give the precise scientific value which Mr. Dicey would like to force upon them. Mr. Dicey very coolly assumes Federalism to have a certain application, and he argues on that basis. His arguments, whether for good or evil, only affect the kind of Federalism he himself is thinking of. What he endeavours to do is to persuade his readers that Federalism must always mean what he means, a presumption which is singularly wide of the mark.

There are, according to Mr. Dicey, three conspicuous instances of Federalism—he prefers to call them 'notorious' instances, because he is aware that in the popular sense the word 'notorious' carries an element of injury with it, and he is anxious to make Federalism show in as unfavourable a light as possible. The three instances are America, in which regard Mr. Dicey permits himself a most unbecoming sneer at the 'vanity' of the Americans in esteeming their own Federalism, Switzerland and Canada. Taking these for his theme he proceeds to define what Federalism must be. According to him :

'There must, in the first place, exist a body of countries, (such, for example, as the cantons of Switzerland, or the colonies of America, or the provinces of Canada), so closely connected by locality, by history, by race, or the like, as to be capable of bearing in the eyes of their inhabitants an impress of common nationality. There must, in the second place, be found among the people of the countries which it is proposed to unite in federal union, a very peculiar state of sentiment. They must desire union, they must not desire unity. Federalism, in short, is in its nature a scheme for bringing together into closer connection a set of states, each of which desires, whilst retaining its individuality, to form together with its neighbours one nation.'

When Mr. Dicey says of the members of any federal system that 'they must desire union, they must not desire unity,' he is merely making an assertion respecting his own previously formed but by no means unimpeachable conception of a federal alliance. On the same principle it might be said of a single strawberry, which is botanically a confederation of fruits, that it represents union but not unity; but the strawberry is a very excellent example of the unity that is produced by union, as Mr. Dicey will find if he devotes any time to resolving the crimson agglomeration which we call by that name into its component and individual fruits.

In point of fact, all the definitions which Mr. Dicey seeks to affix to Federalism do not of necessity apply to it. America, Canada, and Switzerland are to the full as

good examples of unity as Great Britain. But even if it were not so, even if America and Canada and Switzerland were examples of union, which is not of necessity unity, it does not in the least follow that a federal system might not be devised for Ireland and England to which the same comment would not apply. To say that Federalism is not 'a plan for disuniting the parts of a united state' is to resort to Mr. Dicey's favourite method of begging the question. As the advocates of Home Rule maintain that they do not propose to disunite a united State, but to unite a disunited State, Mr. Dicey's way of putting it shows a keener appreciation of the kind of argument that suits his allies than of the case he combats.

'My plan of Home Rule for Ireland,' writes an eminent Home Ruler, 'would establish between Ireland and the Imperial Parliament the same relations in principle that exist between a State of the American Union and the Federal Government, or between any State of the Dominion of Canada and that Central Canadian Parliament which meets in Ottawa.'

Mr. Dicey accepts these words as affording a sufficiently definite definition of the objects proposed to himself by a genuine Home Ruler. From this he at once, and quite gratuitously, assumes that 'it involves the adoption throughout the present United Kingdom of a constitution in principle, though not in detail, like that of the United States.' It involves nothing of the sort. It makes a certain suggestion for the relations between

Great Britain and Ireland; it makes no suggestion whatever as to the relations between England and Scotland, or England and Wales, for it most distinctly must not 'be noted that federalism necessarily involves the formation of a new constitution, not for Ireland only, but for the whole of the United Kingdom.'

To support this proposition, Mr. Dicey drifts off into a lengthy disquisition on the characteristics of Federalism, all based upon the misleading assumption that Federalism is a scientific term so precise in its value that it is possible at once and at a glance to pronounce what proposition is or is not Federalism. Because a certain resemblance exists between certain existing federations, Mr. Dicey assumes that all possible federations must be similar. It would be about as reasonable to assume that, because Persia is a kingdom and England is also a kingdom, therefore the principles of sovereignty which hold good at Teheran hold good in London.

As the basis upon which Mr. Dicey rests his description of a federal alliance between England and Ireland is inaccurate, the conclusions which he draws from it are naturally inaccurate as well. In his fancy federalism, however, he sees certain advantages which he thus formulates:—

'It would, as compared with the independence of Ireland, present three advantages. There would not be the same obvious and patent failure in the efforts of British statesmanship to unite all the British Isles into one country; the continuity of English history would be

to a certain extent preserved; the break with the past would be lessened. The Federal Union might, in the eyes of foreign powers, be simply the United Kingdom under another form. The loss, again, to England in material resources would be somewhat less than that involved in separation. Ireland might possibly continue to contribute her share to the Federal Exchequer, though a critic, who reflects upon the expectations expressed by Home Rulers of benefit to Ireland from the expenditure of Irish taxes on Irish objects, will wonder how, unless the taxation of a poverty-stricken country is to be greatly increased, the Irish people could support the expense both of the central and of the local governments. American experience barely justifies the notion that federalism is an economical form of Government. It would—and this is no small advantage—make it possible to guarantee, at any rate in appearance, that the executive and legislative authority of the Irish Government should be exercised with due regard to justice. The federal compact might, and probably would, contain articles which forbade any State Government or Legislature to suspend the Habeas Corpus Act, to bestow political privileges upon any Church, to pass laws which infringe the obligation of contracts, or to deprive any man of his property without due compensation.'

Let it still and ever be borne in mind that these advantages which Mr. Dicey discovers are dependent upon his own inaccurate and purely arbitrary definition of Federalism.

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He sums up the disadvantages swiftly, in a single ominous breath. 'The definite disadvantages to England of the proposed revolution may be summed up under three heads: First, the sovereignty of the Imperial Parliament would be destroyed and all English constitutional arrangements would be dislocated; secondly, the power of Great Britain would be diminished; thirdly, the chance of further disagreement with Ireland would certainly not be diminished, and would probably be increased.'

To this tri-headed argument the serious Home Ruler offers prompt and explicit denial.

The sovereignty of the Imperial Parliament would not be destroyed, the power of Great Britain would not be diminished, and the chance of further disagreement with Ireland would be diminished and not increased.

The first of Mr. Dicey's objections it is scarcely necessary to follow in detail, seeing that it is based entirely upon the assumption that any application of federation to England must be precisely similar to the kind of federation familiar in the United States. Here Mr. Dicey is true to his own line of reasoning, to that line of reasoning which led him to insist earlier that because advocates of Home Rule have alluded to the union of Austria and Hungary, they were therefore desirous of seeing an exact facsimile of the Austro-Hungarian system of Government introduced into Great Britain. Mr. Dicey crowds his pages with more or less imaginary complications, and is very indignant with those

who 'seem to hold that to deny the existence of a difficulty is the same thing as providing for its removal.' It may be worth while to remind Mr. Dicey that to assert a difficulty is not at all the same thing as to prove its existence. All Mr. Dicey's alarm over the destroyed omnipotence of Parliament is vain, all the terrors he conjures up are shadows. It is the very gist of his argument 'that the existence of some arbiter (whether it be named Crown, Council, or Court), who may decide whether the constitution has or has not been violated, is of the essence of Federalism, while the existence of such an arbiter absolutely destroys the sovereignty of Parliament.' To assume all this is to assume that the English people, when engaged in working out a scheme of federation, would be so suddenly stricken with apathy or imbecility that they would be unable to make provision against the most patent possibilities. Once again Mr. Dicey does not do his countrymen justice.

It is curious that in the whole course of his argument Mr. Dicey is careful to avoid dwelling upon the remarkable instance of a British possession which is, like Ireland, an island, which is, like Ireland, situated close to English shores, and which enjoys a very remarkable degree of Home Rule without in the least endangering the safety or disturbing the peace of mind of England or the empire. A very large proportion of Englishmen indeed are dimly if at all conscious that there is an island under the sway of Great Britain, and nearly equally distant from England, Ireland, and Scotland, which has its own

legislature divided into two branches, and which not only passes its own laws, but passes them, not in the language of the sovereign State, but in its own native tongue. The Isle of Man is indeed a small island, but Mr. Dicey can scarcely maintain that the mere size of Mona alters the value of the argument. If the principle of Home Rule is a false one it ought to be injurious in all instances ; if, on the contrary, it is a good principle, there is no reason why it should be less successful when applied to Ireland than when applied to the Isle of Man. A Parliament in College Green could not be an innovation upon a constitution which tolerates the Tynwald.

Mr. Dicey supports his second charge by indulging in alarming speculations as to the position of the army in Ireland. If Mr. Dicey had refreshed his memory by a glance at Mr. Gladstone's Bill he would have found, under the head of 'Exceptions from powers of Irish Legislature,' this entry: 'The Legislature of Ireland shall not make laws relating to the following matters or any of them,' and then third on the list of exceptions, 'The army, navy, militia, volunteers, or other military or naval forces, or the defence of the realm.' If Mr. Dicey retorts that Mr. Gladstone's Bill, which he discusses at length later on, is not a federal measure, he is simply investing the word 'federal' with a meaning which it has no right to bear, and does not bear except in Mr. Dicey's imagination. It is perfectly true that the volunteers of 1782 were a very efficient means in Grattan's hands. But it must be remembered that



they were never employed against the sovereignty of the English monarch, a point which their opponents are too ready to forget. But in the question of Home Rule the case does not arise. The army will remain under the authority of England as much under Home Rule as it does now. Without entering into the question whether England ought to have sufficient confidence in Ireland to act otherwise or no, I may simply say that I see no reason why she should act otherwise. It is a perfectly simple manner, which would not present the slightest difficulty to anyone but a professional alarmist.

Mr. Dicey is indulging in needless alarm when he says, 'The need, moreover, for bestowing some element of strength on a federal executive as a counterpoise to its many elements of weakness leads almost of necessity to a result which has scarcely received due notice. The executive authority must be placed beyond the control of a representative assembly. Neither in the United States, nor in Switzerland, nor in the German Empire, can the federal administration be displaced by the vote of an assembly. Federalism is in effect incompatible with Parliamentary government as practised in England.'

This statement begs the question by assuming what has been denied, that any federal system adopted by England and Ireland must of necessity be identical with or closely resemble the government systems of the United States, or Switzerland, or Canada, or Austro-Hungary. By the system of Home Rule, which in principle English and Irish Home Rulers are agreed upon, the authority

of the Imperial Parliament would remain as stable and authoritative as at present. 'Turn the United Kingdom into a federal State,' says Mr. Dicey, 'and Parliamentary Government as England now knows it is at an end.' By the Beard of the Prophet, what bosh is this? If England, and Scotland, and Wales, and Ireland, all agreed together to-morrow to set up local parliaments, the existence of these local parliaments need not, and in all probability, unless the popular voice so decided, would not, alter the character of the powers of the Imperial Parliament. Mr. Dicey appears to be haunted by a dread that in relieving a gorged parliament of some of its work he may diminish its dignity, its prestige, its power. He might as well argue that a commander-in-chief is lowered in dignity and power because he does not preside over the canteen and issue forage rations. Is Mr. Dicey so enamoured of, say, the existing Private Bill system as to believe that it tends greatly to the power and dignity of the Imperial Parliament? The Parliamentary system by which England is administrated is excellent, but the machine itself is a little cumbersome and old-fashioned. George Stevenson's invention revolutionised the art of locomotion, but even Mr. Dicey would, I make no doubt, prefer to travel from London to Edinburgh by the Flying Scotchman than by the ramshackle Puffing Billy.

When, therefore, Mr. Dicey enunciates the extraordinary doctrine that the establishment of any federal relations between Ireland and England must involve the

upset of the existing system of Parliamentary government, he is simply uttering wild words. What he means to say is, that if England adopted a federal system precisely similar in all points to certain federal systems now in existence, then the present system of Parliamentary government would cease. But as no one has proposed that England should do anything of the kind, Mr. Dicey may be said to be occupied in fighting the air in a most futile fashion. As a proof of the looseness of his thought, it is worth while in this regard to quote the sentence immediately subsequent to the sentence we have just cited. 'This may or may not mean evil, but it is a revolution which ought to give pause to innovators who deem it a slighter danger to innovate on the Act of Union than to re-model the procedure of the House of Commons.' Mr. Dicey appears to speak with bated breath of an 'innovation on the Act of Union,' as a man might speak of some appalling and hitherto uncommitted crime. But innovation on the Act of Union is no new thing in the short-lived history of that unhappy measure. The disestablishment of the Irish Church was not effected without an 'innovation on the Act of Union' of a very marked kind. That 'innovation' was accompanied by all the same incidents which have marked the recent progress of the Home Rule campaign. The so-called 'Loyalists' of Ulster and elsewhere uttered as wildly disloyal sentiments then as now, and then as now threatened to set at defiance that supremacy of the Imperial Parliament which Mr. Dicey so intensely and

so advisedly admires. If Mr. Dicey studies with care the recent history of the two countries, he will find that defiance of Parliamentary supremacy and bruited rebellion against the law of the land as passed by the Imperial Parliament, came not from the Home Rulers but came from the ranks in which he himself, *ehu miserrimum*, is fighting. The alternative of reforming the procedure of the House of Commons has been already dealt with.

As another of the evil results of Mr. Dicey's federalism, he approaches a topic which he justly characterises as 'odious.' 'Neither the United States nor France could, of course, send an Embassy to any State comprised within the British Union; but, if war impended, they might and would attempt to gain the favour of the Irish Ministry, or the Irish party who controlled the Irish Parliament, or exercised the authority of the local government of Ireland. Suppose that when war was about to be proclaimed between the British Federation and France, the Irish Parliament objected to hostilities with the French Republic. Can it be denied that the local Parliament and the local executive could, by protests, by action, or even by inaction, give aid or comfort to the foreign enemy?'

The danger which Mr. Dicey here foreshadows is far more real under existing conditions than it could possibly be under any system of Home Rule. Prince Bismarck is reported to have said—and the remark is so singularly just and appreciative that report ought to be accurate—

that so long as the Irish question was unsettled England was counted out of European politics. Ireland disaffected and in despair would be a danger, and a very serious danger, to England in the event of a foreign war in which England was engaged. England entering upon such a struggle, say, with Russia, or Germany, or France, is like Lancelot in the Arthurian legend, when he enters the lists with one side of his body bare and one hand bound, in obedience to his fantastic vow. The real danger to the empire, as has been shown already, consists in having a country so close to her shores which is in a chronic mood of discontent and disaffection. It would be impossible to deny that Ireland under existing circumstances would be a source of danger in a great crisis; under the happier conditions inaugurated by Home Rule Ireland would be a true and valuable friend.

There can be nothing but peril to the empire from Ireland in her present condition; there could be nothing but security from concessions which would convert—as those who know Ireland best are well assured it would convert—enmity into friendship.

It may be accepted as certain that Ireland without Home Rule would be more dangerous to England than Ireland with Home Rule, even if it were fair to assume that Ireland with Home Rule would still be animated by hostility to England. Before England could strike a stroke on foreign soil she would have to choke Ireland with troops, and guard with a restless jealousy every possible landing-place on the Irish coast.

• But it is most unfair to assume that Ireland under a Home Rule system would still be hostile to England. To assume this, as Mr. Dicey always does assume it, is a proof either of the most hopeless political and social pessimism, or of a deliberate determination to heighten the effect of an argument at all hazard without regard either to probability or to truth. Irishmen maintain that Ireland under a system of Home Rule would become the firm friend, the staunch ally, the political comrade of England. Everything points in support of such an argument. It would first of all be perfectly compatible with the strong feeling of nationality cherished by Irishmen. Scotchmen have a strong feeling of nationality, a feeling as strong to-day in its way as it was when the Highland gentlemen hid in the heather for the sake of the Stuart. Irishmen, too, will be as proud of being Irishmen when the tie that binds them to England is a tie of brotherly affection, of kindred aims and common sympathy, instead of a tie that binds suppressed but not subdued disaffection to the car of a harsh because an eternally alarmed authority. The instincts of the Irish race are naturally loyal in the truest sense of the word. They have shown loyalty to their creed, loyalty to their cause, under circumstances of the most relentless difficulty. They can show the intensest loyalty to those who win their love or their esteem, even when those who so conquer them are not in nature peculiarly like themselves. Moreover, they are a very grateful people, with a very keen and quick appreciation of any kindly word or helping deed, and a

memory tenacious of all kindness in word or deed. I should say to an English statesman, trust the Irish race; they may be bad enemies but they are good friends, and if you make them your friends once you will make them your friends for ever. One thing is certain, the experiment has not yet been tried. It is difficult to believe that any experiment could make the relations between England and Ireland more wretched than they are. May not we who are Christians say that an experiment conducted in some degree in obedience to the teachings of Christianity and with some respect for the assumption that, on the whole, man is more likely to keep his word than not, has at least the chance of success hidden within its bosom?

It is curious in this connection to note the strong affection which so many Irishmen feel to-day for France, simply because they believe that France was inclined once and again in comparatively recent times to lend Ireland a helping hand. The student of history may be permitted to doubt whether Ireland would have been any happier as an appanage of France than under the authority of England. France may in some degree possess a greater capacity for administering subject states than England has; but it may be doubted, for example, whether a Bedawy of the Beni Hassan feels on the whole more liking for his Gallic master than the Hindoo Ryot has felt for English rule since the days of John Company. To anyone who knows anything really of Ireland and of the Irish mind it is perfectly obvious that Ireland as an ally and confederate would secure for England all those

advantages which in the existing unnatural relationship are converted into disadvantages, and that the difficulties which Mr. Dicey conjures up are as pertinent to the matter in hand as the bogey that the nurse invokes to terrify a fractious child.

Mr. Dicey appears to think that he has struck an effective stroke at Home Rule when he writes, 'More than fifty years have elapsed since Spain expelled the foreign invader ; but Spain has not yet succeeded in expelling ignorance, prejudice, superstition, or oppression. But whatever be the miracles of nationality, Ireland would not, under Federalism, be a nation. Rhode Island has all the freedom demanded for his country by an eminent Home Ruler, whose expressions I have cited. He surely does not consider the inhabitants of Rhode Island to be a nation.'

Were ever a brace of stranger and more unmeaning arguments coupled together? What possible parallel is there between the condition of Spain who expelled a foreign invader half a century ago, and who nevertheless is in no sense a model or ideal state, and Ireland? If we consider Spain in her attitude to another foreign invader we shall scarcely find Mr. Dicey maintaining that the grandeur of Spain decreased with the final overthrow of Arab empire in the peninsula, or that the grandeur of Spain darkened to its eclipse when Boabdil looked his last upon the hills of Grenada. Just as much, or as little, is to be drawn from the one argument as from the other, and neither argument is of the slightest assistance towards



the solution of the Irish problem. Whether Spain gained or lost by the expulsion of the Moors, whether Spain gained or lost by the expulsion of the French, are questions which have little or no bearing upon the investigation whether Ireland, which does not propose any process of expulsion, would gain or lose herself, or be the cause of gain or loss to England, by being endowed with a system of Local Government.

The Rhode Island argument is, if possible, more flimsy. Nobody, of course, could think of calling the inhabitants of Rhode Island a nation. The Irishmen, Englishmen, negroes, Europeans of all kinds to be found in Rhode Island possess none of the distinctive features of a nation; they are a part of the amalgamated American nation. But if, as might very possibly have happened, Rhode Island had been inhabited before the Federal Union by a separate and distinct race, markedly unlike the inhabitants of the continent in creed, in racial characteristics and in speech, and had nevertheless entered into the union, they would have remained in exactly the same relationship to the United States that they now enjoy, but they would have been a nation none the less. I may, in connection with this subject of nationality, quote some words on this very subject by a politician who can in no sense be regarded as a fanatic advocate of Irish grievances, Mr. Arthur Arnold.

‘I feel bound,’ says Mr. Arnold, ‘to repudiate, as offensive to justice and to history, the doctrine that the Irish are part of the British nation. The Scotch, who

by their partnership with the English have become the richest people that ever occupied so poor a country, have no cause to frown at the imputation of English nationality. But I am quite sure that Mr. Goschen would never have dared to recommend his claims in Edinburgh by asserting that "after all," the Scotch are a part of the English nation. What is a nation? A body of people in number and strength sufficient to be recognised by other nations, living within well-known boundaries, and possessing sufficient communion of thought and purpose to be, as to the majority, moved by common desires natural to their condition.'

Mr. Dicey discusses at considerable length the advantages and disadvantages which would accrue to England and to Ireland if Ireland were placed in the position of a Crown colony such as Victoria. It may seem a little wide of the mark just now to discuss a system of government for Ireland which Irishmen do not ask for, and which no Englishmen as far as I know, certainly no considerable body of men, seriously propose giving to her. But Mr. Dicey, to tell the truth, in the whole course of his volume is seldom much concerned with the immediate matter in hand. He likes to build up a series of supposititious cases, either impossible or improbable, and to assail Home Rule by arguments which are seldom or never applicable to the sort of Home Rule that Ireland asks for, and that England as a whole and on the whole is, I fancy, prepared to concede. It is not waste of time, from Mr. Dicey's point of view, to

devote twenty pages to proving that a system of administration which Ireland does not want would be injurious to England if granted. So many solemn pages levelled against one kind of Home Rule will indeed appear to inconsiderate persons of flighty fancy to be unimpeachable arguments against another and wholly different kind of Home Rule. 'I do not recommend Home Rule under any form whatever,' says Mr. Dicey; 'what I do assert is that of all its forms the colonial form is the least injurious to British interests.' Such a sentence as this, coming at the fag-end of pages intended to assure Englishmen that the colonial system as applied to Ireland would entail upon England probable peril and certain disgrace, has an ingeniously damaging effect upon easily convincible intellects. Home Rulers, however, either English or Irish, will not be much discomfited or perturbed by Mr. Dicey's denunciations of the constitution of Victoria as applied to Ireland, for one good reason in especial, that they do not in the least desire to see the Victorian constitution superimposed upon Ireland. Even if Ireland were to be converted into a colony—a consummation which I do not believe to be desired by Irishmen or Englishmen—it does not necessarily follow that she should be fitted with a constitution which, however suitable to Victoria, might be wholly unsuitable to her. England's colonies are not fitted with precisely similar constitutions; if Ireland were added to their number, there is no reason why she should be made an exception to the prevailing rule. When Mr. Dicey

says that Home Rulers 'prefer the local autonomy of Victoria to a share in the United Kingdom,' he supplies them gratuitously and inaccurately with opinions they have not expressed and do not cherish. Home Rulers would not of necessity 'prefer the local autonomy of Victoria to a share in the United Kingdom.' What they ask is that the kingdom should be really united, and their share in it should be a fair share and not the beggar's portion.

'A mere account,' says Mr. Dicey, 'of the constitutional relations existing between England and a self-governed colony is almost equivalent to a suggestion of the reasons which forbid the hope that the true answer to the agitation for Home Rule is to be found in conceding to Ireland institutions like those which satisfy the inhabitants of New South Wales or Victoria.'

Who, the Home Ruler may ask himself with amazement, has cherished such a hope? Not Mr. Gladstone and his followers; not Mr. Parnell and his followers; who then? Who are the Home Rulers Mr. Dicey knows and argues with, who believe that the solution of the Irish question consists in capping Ireland with a brand-new constitution, precisely similar at all points to the constitution which fits, and fits fairly well, Victoria? The military question which so much alarms Mr. Dicey has been satisfactorily dealt with in the authorised scheme of Home Rule which has met with the approval of so many thousands of Irishmen and so many thousands of Englishmen. Even if Ireland were to be converted tomorrow into a Crown colony, the same difficulty might be

as easily met. Not indeed if, as Mr. Dicey apparently believes, it were irrevocably written in the stars that Ireland treated colonially must be given the identical constitution of Victoria, and that Ireland treated federally must be administered on precisely similar lines to those of the United States constitution. After all, the serenity of the arm-chair does not of necessity divorce its occupant from a good deal of narrow pedantry which would be more appropriate in Laputa than in London.

Mr. Dicey quite unconsciously knocks a hole in his own case when he states the reasons why the people of Victoria, who 'believe that if they wished for independence it would not be refused them,' still acquiesce cheerfully in their existing constitution and their existing relationship with the mother-country. The people of Victoria acquiesce, 'because they gain considerable prestige and no small material advantage from forming part of the empire.' It is by the very same argument that Home Rulers defend the wisdom of conceding Home Rule to Ireland. Ireland, liberated from the pressure of immediate discontent, treated for the first time in her history with the regard which a great nation owes to an ally, would be prompt to recognise and to admit that both prestige and material advantage were to be gained by forming a part of the empire. Irishmen in all walks of life, men of the robe, men of the sword, men of the pen, have contributed so much to build up the prestige of the English empire, that Ireland need feel no shame in taking pride in a prestige which is in

so considerable a degree her own work. England's prestige has been in some degree by the very nature of things Ireland's prestige also; the best efforts of Irish genius have been employed in the service of England, or have been expressed in the English language. What has been possible in the past would be inevitable in the future, and the hunger for separation, once natural to an oppressed people, would be forgotten by the sharers in, and fellow-creators of, a great and powerful empire.

Mr. Dicey draws a highly coloured, if faintly absurd, picture of the horrors that would occur in Ireland if Ireland were blessed with a constitution similar to that of Victoria. Into arguments of this fancy kind it is needless and unprofitable to follow the ingenious author. When, for example, his imagination whisks him away into a very Lubberland or Cocagne country of pessimism, and, with the afflatus of false prophecy strong upon him, he predicts that an Irish Parliament similar to the Victorian Parliament would make assaults upon the rights of Irish Protestants, it is hard to say whether indignation or pity is the right feeling with which to regard such a writer. No Englishman can or need feel any alarm as to the treatment of Irish Protestants by Irish Catholics. The country whose dearest leaders have been Irish Protestants, whose head at this moment is an Irish Protestant, would scarcely be likely to prove intolerant even if the weapons of intolerance were in its hands.

Such an apprehension is curiously unfounded. It is

indeed improbable that a people, many, indeed most, of whose best beloved heroes were Protestants, and whose present leader is himself a Protestant, would be disposed to prove in any sense or degree hostile to their Protestant fellow-countrymen. I may remind my readers that while Protestants have been returned, again and again, as representatives of Catholic constituencies in Ireland, that while Irish Catholics have, again and again, entrusted the representation of their grievances to Protestant delegates, it was until within the last few months practically impossible for any Catholic to find a seat in any English constituency. The present Parliament, upon its new and extended franchise, does contain a few Catholic representatives of English constituencies, but in the Parliament of 1880-85 there was, I think, only one, and he was regarded as remarkable for having gained that rare and almost unattainable distinction. It is not long ago since the English Press and English public opinion generally seemed unanimous in agreeing that the career of Lord Ripon as a statesman and politician was closed in England because he had become a member of the Catholic Church. On the other hand, I have heard that Catholic voters in Ireland have expressed regret that some Nationalist candidate was not a Protestant in order that they might show their tolerance of a creed which was not their own, and in the present Nationalist Party several Protestants are enrolled among its most prominent members. It is a matter of statistics, too, that a large number of Protestant votes were recorded

for the Nationalist and Catholic candidates at the just-passed general elections, a fact which serves to show that a very great number of the Irish Protestants do not share the apprehensions expressed for their safety by some writers and thinkers on this side of the Channel. The tolerance which English Protestantism has not always extended to Catholics, the Irish Catholics have always extended, and always will extend, towards their Protestant fellow-countrymen. But in any case this alarm is futile. The constitution of Victoria is not going to be given to Ireland, and the proposed constitution, the Home Rule scheme which holds the field, provides successfully for the matter.

As Mr. Dicey is so fond of discussing questions in the air and fancy problems of legislation, it is somewhat remarkable reticence on his part to allot some poor five pages to the consideration of Grattan's Parliament as a method of Home Rule. Discussion of Grattan's Parliament from any such point of view is to trifle time. There was much merit in Grattan's Parliament, and the possibility of great things; it was a great advance upon a most unwholesome condition of affairs. The Irish Parliament in the eighteenth century was a mere caricature of a legislative body. In its Upper House many of the temporal peers were Englishmen or Scotchmen, some of whom had never even set foot in Ireland. The actual Irishmen on its roll were mostly the corrupt purchasers of degraded titles. Its spiritual peers, foreign to the country by religion and by race, were so obnoxious,



even to men of that religion and that race, as to wring from Swift the satirical declaration, that all the Irish bishops appointed in England must have been murdered on their way by highwaymen, who stole their garments and filled their offices in Dublin.

The Lower House was little better. It was in no sense a representative chamber. 'Of three hundred members,' said Grattan, 'above two hundred are returned by individuals; from forty to fifty are returned by ten persons; several of your boroughs have no resident elector at all; some of them have but one; and on the whole, two-thirds of the representatives in the House of Commons are returned by less than one hundred persons.' Seats were bought and sold like peerages and other articles of contemporary merchandise. It was crowded with supple placemen of the Government, in a proportion of more than a third of the whole body, who were well rewarded for their obedient votes; it was torn by factions, which the Government ingeniously played off against each other; its majority, as Grattan showed, was made up of nominees of the Protestant landlords. The Opposition could never turn out the Administration, for the Administration was composed of the irremovable and irresponsible Lords Justices of the Privy Council, and certain officers of State. The Opposition, such as it was, was composed of Jacobites, who dreamed of a Stuart Restoration, and of a few men animated by a patriotic belief in their country's rights.

The idea of restoring a Parliament like this or in any

way resembling this is not cherished by anyone to-day, and does not call for serious discussion. It would, no doubt, have given birth to a better system. As it enfranchised Catholics so it would, no doubt, have admitted them to Parliament, and in steady process of time have perfected itself into a legislative system suitable to the country. But the Union stifled it, and stifled the growth of Ireland, and the possibility of friendship between England and Ireland for six-and-eighty years. A statesman as great as Grattan has come to heal the hurt and close the breach. What Ireland asks for now is not Grattan's Parliament, but Gladstone's Parliament.

It is not until we reach his 223rd page that we find Mr. Dicey fairly face to face with the real question of the hour—with the consideration of the Gladstonian constitution for Ireland, as set forth in the Bill of April 8. Mr. Dicey adopts with Mr. Gladstone's Bill the same method which he has employed in all the various arguments into which the nature and scope of his book have drawn him. He affects the same attitude of ultra-judicial impartiality ; he concedes certain well-balanced phrases of praise and compliment, judiciously adapted to make the defects and their denunciation the more apparent and the more impressive.

It might very fairly be urged by the Irish advocates of Home Rule that it is in no sense their duty to defend all the machinery, as it may be called, of Mr. Gladstone's Bill. They might fairly contend that, while the principle of the measure afforded them satisfaction, the defence

of its details might very well be left to those who were especially responsible for its existence. Many of the details might not specially commend themselves to individual Irishmen advocating Home Rule for Ireland. Some Irishmen might prefer to accept a scheme in which the Irish members were not of necessity removed from the Imperial Parliament; others might consider that the financial features of the Bill were open to great modification, alteration, and improvement. But that a very excellent defence can be made of the Bill as it stands is scarcely open to question.

It is not a very serious charge to bring against Mr. Gladstone's proposals to say that they affect the constitution of England. Every great reforming law affects directly or indirectly the constitution of England, so far as England can be said to have a constitution. The point to be considered is, whether the constitution gains or loses, is strengthened or weakened by the proposed changes.

Mr. Dicey, of course, maintains that it loses, that it is weakened. At the same time he pays the measure, as a measure on paper so to speak, an exceedingly high compliment:—

‘The Gladstonian Constitution, if it worked in the way contemplated by its authors—if everything, that is to say, went exactly as it was wished, and everybody acted exactly in the manner in which constitutionally they ought to act—would provide a complicated but, as I have already said, most ingenious solution of the problem before us. The British Parliament would sit at West-

minster undisturbed by any Irish obstructives, and legislate for Great Britain and the whole British Empire in accordance with the wishes of the people of England and Scotland. Not only would Irish obstruction vanish, but what is even better, the necessity of considering Irish questions at all would disappear. English legislators would not be called upon to pay more attention to the affairs of Ireland than to the affairs of Canada or of New Zealand. The Irish Parliament would take the whole burden of legislation for Ireland off our hands, and Irishmen, if they did not like Irish laws, would have nobody to complain of but Irish legislators. But the Irish Parliament whilst it saved England from all trouble would, if the Constitution worked properly, give England no trouble whatever. If Bills were proposed or Acts passed at Dublin in violation of the Constitution they would be pronounced void by the Privy Council, and all Ireland would at once acquiesce in the final decisions of that exalted tribunal. If, on the other hand, the Irish House of Parliament were to pass enactments which though not unconstitutional were inexpedient, then foolish proposals would be nullified by the veto of the Lord-Lieutenant. The contribution from Ireland would be duly collected and be paid up to the day, since its collection would lie in the hands of British officials; and should any difficulty arise, the collectors would be aided by the Irish Court of Exchequer, the Judges of which would be appointed by the English Government, and the judgments of the Court of Exchequer could, if need were,

be enforced by the British Army. This paper federation, in short, looks as promising as paper Constitutions generally do.'

It is something to find that a Bill which has met with such uncompromising attacks from most of its many enemies should at least be admitted by Mr. Dicey to be in theory a very admirable solution of a great difficulty, but Mr. Dicey differs from Mr. James Mill as to the assumption that what is good in theory must also be good in practice. In the first place Mr. Dicey maintains that in the Bill, as it at present stands, the sovereignty of the Imperial Parliament is impaired. Even if Mr. Dicey were to be held to have proved this point—and so much cannot be conceded to him—it would not be a very momentous triumph. Seldom indeed has a Bill been presented to Parliament whose first draft was found to be completely satisfactory, to have covered the whole ground and to have met every danger; grant this defect to exist in the measure, it could be easily amended before the Bill became law.

When Mr. Dicey puts his next question, whether the legislative supremacy of the British Parliament is not impaired by the action of Mr. Gladstone's Bill, he answers his own question with a most emphatic Yes, and the supporters of the measure answer with a still more emphatic No.

'The supporters of the Government of Ireland Bill have admitted again and again that it constitutes what they term a Parliamentary compact; it embodies, in

other words, a solemn contract between Great Britain and the people of Ireland, that the British Parliament, whatever be its legal power, shall not legislate about Irish affairs without summoning Irish representatives to share in its deliberations.'

It is difficult to understand how with this definite provision staring him in the face Mr. Dicey can still maintain that the power of the British Parliament to legislate for Ireland is destroyed. Whenever the Imperial Parliament wishes to legislate for Ireland—wishes, that is, to amend, alter or amplify the Constitution as set forth in Mr. Gladstone's Bill—it is provided with the complete machinery for reconstituting the Parliament as it at present stands, by summoning the Irish representatives to St. Stephens and proceeding to legislate in full Imperial conclave. Whether such a conclave would ever have to be so summoned is a matter on which it would be rash to speculate and absurd to prophesy. But that it could be is undoubted, and that it could be is the main point. The result of investigations of the Gladstone Bill shows, therefore, that in this respect the legislative supremacy of the Imperial Parliament is retained in name, and not in name alone but in fact, and that it is the merest quibbling to pretend that, because a safeguard might not be put into use, it does not therefore exist.

The next question which suggests itself to Mr. Dicey is, 'Does the Gladstonian Constitution secure justice,' that is, 'justice to Great Britain, and justice to all classes,

including minorities of Irishmen ?' According to Mr. Dicey, 'the just claims of Great Britain may roughly be summed up under the one claim, that Ireland should contribute her fair share to Imperial expenditure.'

The payments to be made by Ireland do not, in Mr. Dicey's view, meet the case ; he does not believe that the 'tribute' will be paid. Mr. Dicey backs up this unpromising assertion by a repetition of an old fallacy. Laws, we are told, 'which are otherwise just are hated in Ireland because they bear a foreign aspect, and come before the Irish people in a foreign garb. If this assertion be false, then the whole case for Home Rule falls to the ground. If this assertion possess even partial truth, then it applies with far greater force to tributes than to law.'

As a matter of fact, the assertion is inaccurate, and at the same time the whole case for Home Rule does not fall to the ground, but remains as stable as ever. Just laws are not hated in Ireland ; what is complained of, and justly complained of, is that the laws as a whole have not been just, that even when they were in themselves just they were seldom justly carried out ; what is asserted is, that Ireland will be happier under a Home Government, which will be willing to take the pains to govern Ireland justly, pains which have been but rarely employed by the framers and the executors of English law. The financial portions of Mr. Gladstone's scheme are open to criticism and to improvement, but Mr.

Dicey's argument is not destructive to them. No people like paying taxes of any kind. Mr. Dicey, I make

no doubt, would much rather that the scheme of the universe, or at least the scheme of the British Constitution, were so happily shaped that it would not be necessary for him to pay income-tax. But he and his fellows pay income-tax because the payment secures to them as citizens certain definite and highly important advantages. The argument applies with equal force to Ireland. The Irish people may be willing to pay the tax which Mr. Dicey insists upon qualifying 'by the hateful name of tribute,' because by so doing they will in return for their tax get certain very definite advantages which they have long desired. I do not mean it to be supposed that I consider the Gladstonian financial propositions perfect or even approximately perfect ; I am only arguing from the point of view of the supporters of that measure that, if the Irish people are entrusted with certain privileges which they have long and ardently desired, it is unfair to assume that they will not pay the tax involved in the acceptance of those privileges.

Mr. Dicey is next agitated by a fear that an Irish Parliament would not act justly towards minorities. He is afraid that Irish landlords would be treated harshly by an executive of Land Leaguers.

'The Irish leaders are of necessity revolutionists, and it must be added, revolutionists of no high character. Revolutionists on accession to power do not lay aside the revolutionary temperament, and this temperament may have every other virtue, but it knows nothing of the virtue of justice.'



The accusation against the Irish leaders need scarcely be noticed. We have, or ought to have, passed from the days when humanistic wranglers sought to strengthen their cases by accusing their opponents of all manner of offences, and in any case Mr. Dicey's praise or dispraise is absolutely unimportant. But to talk about 'the revolutionary temperament,' and the attempt to define what virtues this temperament may or may not have, is to abandon the arguments of the class-room for the arguments of the nursery. There are revolutionists and revolutionists, and any one who attempts to include under one common term men of such widely differing types as Caius Gracchus, Cromwell, Robespierre and Smith O'Brien—to take four instances chosen at haphazard—shows scanty appreciation of the meaning of language.

Mr. Dicey considers that the Home Rule conceived by Mr. Gladstone will not finally satisfy the Irish people. There he enters into the regions of pure and undiluted prophecy, into which it would be needless to follow him. The word 'finality' is not a very wise word to use in politics, but so far as any human affairs can be called clear, it is clear that the Irish people as a whole have a very profound belief in the salutary effect of Mr. Gladstone's measure. They honestly believe and honestly avow that it will be the means of knitting the two nationalities closely together in the bonds of brotherhood. This belief, shared as it is by so many thousands of Liberal Englishmen, ought to count for far more than the subtlest arguments that were ever thin drawn in the

class-room. If the success of such a great reform depends upon the spirit in which it is carried out, then the spirit in which Englishmen and Irishmen meet to-day is a manly and a wholesome spirit. Regret for the past, a confident hope for the future, true friendship and sympathy in the hour that is, these are characteristics of the present crisis which set it apart from all previous events in the history of the two nations, and which should not be lightly put aside. The true means of reconciling an old enmity and of consolidating for yet greater glory a vast and powerful empire have been found by the statesman whose name will be honoured in Ireland and in England for ever.

## CHAPTER VIII.

## CONCLUSION.

I HAVE now come to the end of my task. I have examined at length and with care the most serious, I might fairly say the only serious, attack that has been made upon the principle of Home Rule for Ireland. Hitherto the opponents of Home Rule have met it with vague and angry imprecations, with mysterious mutterings concerning 'dismemberment of the empire' and kindred phrases, or with blustering declarations that Englishmen would never listen to any suggestions of the kind. Well, Englishmen did listen to suggestions of the kind; the greatest of living Englishmen associated his name and his fame for ever with the principles of justice; in the House of Commons and in the country a great Home Rule party arose, a party of Englishmen, not of Irishmen, eager to make Ireland a free and happy sharer in the freedom and the happiness of the British empire. Statesmen of long standing, politicians who had studied deeply the sources of Irish discontent, men of genius who had made themselves illustrious in letters only to make themselves more illustrious in the senate, avowed themselves as earnest advocates of Home Rule as any Irishman could be.

When things came to this pass it was felt by the opponent of Home Rule that something must be done, something more menacing than mere indignant protestations or the utterance of wild and whirling words about dismemberment and disintegration. After the general election of 1886, when it became evident that Home Rule was no longer a mere Irish question, but an English question as well, the antagonists of Home Rule felt that it was time to look about them. Even those who had floated into office on the stormy eddies of opera-house enthusiasm and who professed to regard the Liberal Unionists as the saviours of their country, were nervously aware that though for the moment they had the best of the game they had by no means the best of the argument. They might boast the lungs of brass that could bellow but they lacked the golden mouth that might plead. In their own ranks they had nobody. Lord Randolph Churchill might animate Belfast audiences with soul-stirring citations from Campbell, but as a cool and cautious arguer he was not to be relied on. Lord Salisbury, like a new Faust, had raised the Home Rule spirit by his Newport speech, and had striven ever since most unsuccessfully to conjure it back again with brave words about twenty years of firm government. They had nobody else whose utterances could be of any interest or importance to the world at large. Nor was there much comfort to be got from their Liberal Unionist allies. Lord Hartington has a cool, solid, stolid ability which is excellent in the House of Commons or on the platform,

but he could never become the Chrysostom of the anti-Home Rule propaganda. Mr. Goschen is delightful when he discourses serenely to the studious on the art of life and the vanity of hurry. Temple at Sheen, or Epicurus among his olive trees, is not blander, sweeter, more softly philosophic than the eminent financier who to this day has never solved the great problem, which party in the State he belongs to. But he was not the man to carry conviction of the evil of Home Rule to minds troubled by the eloquence of Mr. Gladstone and the clear, finely wrought arguments of Mr. Morley. Mr. Chamberlain was indeed opposed to the Gladstone Bill, but he was half a Home Ruler, and cherished notions of federal councils and the like, rank heresies to the advocates of coercion as the true Sangrado panacea. Sir George Trevelyan, by virtue of his exquisite prose, is one of the glories of Victorian literature, but the biographer of Macaulay, the historian of Charles James Fox, the humorist of 'Horace at the University of Athens,' the chronicler of Cawnpore is at his weakest when, as a Liberal, he wrestles like Jacob with the angel of Liberal principles. There was nobody else, for, as far as I am aware, no one looked to Sir Henry James as the heaven-sent advocate of Liberal Unionism.

Suddenly a light shone upon their darkness when Mr. Dicey stepped into the arena with his 'England's Case against Home Rule,' and from the whole anti-Home Rule League went up a wild cry of exultation. Here was a man of eminence, of education, of name, who could really argue with apparently passionless directness,

whose reputation was recognised on all sides, and who was actually putting into clear and comprehensive English all the incoherent hatred of Home Rule which had been possessing its enemies like an evil spirit, and actually forging the molten iron of their indignation into serviceable weapons against the arch enemy, the new '*Infâme*.' Never since the days when Coriolanus halted before the threshold of Aufidius has there been greater joy over the appearance of an unexpected ally. Had not Mr. Gladstone quoted, and quoted with approval, Mr. Dicey in one of his speeches, and was not Mr. Dicey now appearing in print to confute, rout, and wholly put to shame Mr. Gladstone and all those who thought with him !

It is easy to understand the joy of the Conservative Party and some of their allies. After the heat and fire of their distemper, Mr. Dicey not unnaturally appeared to them to speak with the speech of angels. The gravity of his tone, the assumption of scholastic superiority to the passions of politics and the frenzy of party, the affectation of icy impartiality, gave Mr. Dicey's volume an extraordinary value in the eyes of the opponents of Home Rule in general and of Mr. Gladstone in particular. The Conservative Party may not deserve the epithet which Mr. Mill once applied to it of the stupid party, but even their warmest admirers could hardly reckon them as a reasoning party. A little display of reasoning goes a long way with them, and when they found Mr. Dicey speaking at once so confidently and so coldly of the iniquities of Home Rule and the errors of Mr. Glad

stone, they felt as elated as Voltaire's 'Pucelle' on a certain famous occasion.

The advocates of Home Rule will fail, however, to be much impressed by the array of Mr. Dicey's arguments, or by his method of marshalling them. An argument does not of necessity become more convincing by being uttered with an assumption of philosophic composure, any more than the English of the wandering Briton becomes more intelligible to the French Custom House officer by being shouted at him with appalling distinctness and syllable by syllable. It does not need much study of Mr. Dicey's pages to discover that most of his arguments are fantastic and misleading, and that even where the arguments themselves are sound the deductions from them are quite inaccurate.

Let me in conclusion quote an Oriental proverb which encloses much wisdom in a little compass: 'The dog barks; the caravan passes on.' The mind at once calls up the picture of the white-walled Arab town, the eager faces, the long line of pilgrims, the swaying camels, and beyond the desert stretching out to Meccah, to the goal of so many high hopes, so many passionate desires. If as the great procession passes slowly out and onward some dog barks wildly, scurrying hither and thither in all imaginable excitement while the yellow sand flies, who heeds? The caravan goes its way through darkness and through danger, and those who share in the labour and who reach the haven come back with shining faces and are accounted happy.

# APPENDIX.

## I.

### *CERTAIN ACTS RELATING TO THE PARLIAMENT OF IRELAND.*

(Presented to the House of Commons by Her Majesty's  
command.)

ANNO SEXTO GEORGH REGIS.

CAP. V.

AN ACT for the better securing the Dependency of  
the Kingdom of *Ireland* upon the Crown of *Great*  
*Britain*. A.D.  
1710.

Whereas the House of Lords of Ireland have of late, against Law, assumed to themselves a power and jurisdiction to examine, correct, and amend the judgments and decrees of the Courts of Justice in the Kingdom of Ireland: Therefore for the better securing of the Dependency of Ireland upon the Crown of Great Britain, may it please Your most Excellent Majesty that it may be declared; and be it declared by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that the said Kingdom of Ireland hath been, is, and of right ought to be subordinate unto



and dependent upon the Imperial Crown of Great Britain, as being inseparably united and annexed thereunto; and that the King's Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons of Great Britain in Parliament assembled, had, hath, and of right ought to have full power and authority to make laws and statutes of sufficient force and validity, to bind the Kingdom and people of Ireland.

And be it further declared and enacted by the authority aforesaid, that the House of Lords of Ireland have not, nor of right ought to have any jurisdiction to judge of, affirm, or reverse any judgment, sentence, or decree, given or made in any Court within the said Kingdom; and that all proceedings before the said House of Lords upon any such judgment, sentence, or decree, are, and are hereby declared to be utterly null and void to all intents and purposes whatsoever.

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ANNO VICESIMO SECUNDO GEORGII III.  
REGIS.

CAP. LIII.

A.D.  
1782.

AN ACT to repeal an Act, made in the Sixth Year of the reign of his late Majesty King George the First, intituled, An Act for the better securing the Dependency of the Kingdom of *Ireland* upon the Crown of *Great Britain*.

Preamble.

Whereas an Act was passed in the Sixth Year of the reign of his late Majesty King George the First, intituled, An Act for the better securing the Depen-

dency of the Kingdom of Ireland upon the Crown of  
 Great Britain; may it please Your most Excellent  
 Majesty that it may be enacted; and be it enacted  
 by the King's most Excellent Majesty, by and with  
 the advice and consent of the Lords Spiritual and  
 Temporal, and Commons, in this present Parliament  
 assembled, and by the authority of the same, that  
 from and after the passing of this Act, the above-  
 mentioned Act, and the several matters and things  
 therein contained, shall be, and is and are hereby  
 repealed.

6 Geo. I., cap. 2,  
repealed.

and repealed.

ANNO VICESIMO TERTIO GEORGII III.  
 REGIS.

CAP. XXVIII.

AN ACT for removing and preventing all Doubts  
 which have arisen, or might arise, concerning  
 the exclusive Rights of the Parliament and Courts  
 of *Ireland*, in matters of legislation and judica-  
 ture; and for preventing any Writ of Error or  
 Appeal from any of His Majesty's Courts in  
 that Kingdom from being received, heard, and  
 adjudged, in any of His Majesty's Courts in the  
 Kingdom of *Great Britain*.

A.D.  
 1783.

Whereas, by an Act of the last Session of this  
 present Parliament (intituled, An Act to repeal an  
 Act made in the sixth year of the reign of His late  
 Majesty King George the First, intituled, An Act for  
 the better securing the Dependency of the Kingdom  
 of Ireland upon the Crown of Great Britain), it was  
 enacted that the said last-mentioned Act, and all  
 matters and things therein contained, should be  
 repealed; And whereas doubts have arisen whether

Preamble.

22 Geo. III., cap.  
 53, repealed.

the provisions of the said Act are sufficient to secure to the people of Ireland the rights claimed by them to be bound only by laws enacted by His Majesty and the Parliament of that Kingdom, in all cases whatever, and to have all actions and suits at law or in equity which may be instituted in that Kingdom decided in His Majesty's courts therein finally, and without appeal from thence: Therefore, for removing all doubts respecting the same, may it please Your Majesty that it may be declared and enacted, and be it declared and enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that the said right claimed by the people of Ireland to be bound only by laws enacted by His Majesty and the Parliament of that Kingdom, in all cases whatever, and to have all actions and suits at law or in equity which may be instituted in that Kingdom decided in His Majesty's courts therein finally, and without appeal from thence, shall be, and it is hereby declared to be established and ascertained for ever, and shall, at no time hereafter, be questioned or questionable.

The Rights claimed by the people of Ireland firmly established.

No Writ of Error or Appeal from the Courts in Ireland shall be received by any Court in Great Britain.

II. And be it further enacted by the Authority aforesaid, that no writ of error or appeal shall be received or adjudged, or any other proceeding be had by or in any of His Majesty's Courts in this Kingdom, in any action or suit at law or in equity, instituted in any of His Majesty's Courts in the Kingdom of Ireland; and that all such writs, appeals, or proceedings shall be, and they are hereby declared null and void to all intents and purposes; and that all records, transcripts of records or proceedings,

which have been transmitted from Ireland to Great Britain by virtue of any writ of error or appeal, and upon which no judgment has been given or decree pronounced before the First day of June, One thousand Seven hundred and Eighty-two, shall, upon application made by or in behalf of the party in whose favour judgment was given, or decree pronounced, in Ireland, be delivered to such party, or any person by him authorised to apply for and receive the same.

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ANNO TRICESIMO NONO & QUADRAGESIMO  
GEORGII III. REGIS.

CAP. LXVII.

AN ACT for the Union of *Great Britain and Ireland*  
[2nd July 1800].

A.D.  
1800.

Whereas, in pursuance of His Majesty's most gracious recommendation to the Two Houses of Parliament in Great Britain and Ireland respectively, to consider of such measures as might best tend to strengthen and consolidate the connection between the Two Kingdoms, the Two Houses of the Parliament of Great Britain and the Two Houses of the Parliament of Ireland have severally agreed and resolved that, in order to promote and secure the essential interests of Great Britain and Ireland, and to consolidate the strength, power, and resources of the British Empire, it will be advisable to concur in such measures as may best tend to unite the Two Kingdoms of Great Britain and Ireland into one Kingdom, in such manner, and on such terms and conditions, as may

Preamble.

be established by the Acts of the respective Parliaments of Great Britain and Ireland :

The Parliaments of England and Ireland have agreed upon the Articles following :

And whereas, in furtherance of the said Resolution, both Houses of the said Two Parliaments respectively have likewise agreed upon certain Articles for effectuating and establishing the said purposes, in the tenor following :

#### ARTICLE FIRST.

That Great Britain and Ireland shall, upon 1st January 1801, be united into One Kingdom ; and that the titles appertaining to the Crown, &c. shall be such as His Majesty shall be pleased to appoint.

That it be the First Article of the Union of the Kingdoms of Great Britain and Ireland, That the said Kingdoms of Great Britain and Ireland shall, upon the First day of January which shall be in the year of our Lord One thousand Eight hundred and One, and for ever after, be united into One Kingdom, by the name of the United Kingdom of Great Britain and Ireland ; and that the Royal stile and titles appertaining to the Imperial Crown of the said United Kingdom and its Dependencies, and also the ensigns, armorial flags and banners thereof, shall be such as His Majesty, by His Royal Proclamation under the Great Seal of the United Kingdom, shall be pleased to appoint.

#### ARTICLE SECOND.

That the succession to the Crown shall continue limited and settled as at present.

That it be the Second Article of Union, That the succession to the Imperial Crown of the said United Kingdom, and of the dominions thereunto belonging, shall continue limited and settled in the same manner as the succession to the Imperial Crown of the said Kingdoms of Great Britain and Ireland now stands limited and settled, according to the existing laws, and to the Terms of Union between England and Scotland.

## ARTICLE THIRD.

That it be the Third Article of Union, That the said United Kingdom be represented in one and the same Parliament, to be stiled The Parliament of the United Kingdom of Great Britain and Ireland.

That the United Kingdom be represented in One Parliament.

## ARTICLE FOURTH.

That it be the Fourth Article of Union, That Four Lords Spiritual of Ireland by rotation of Sessions, and Twenty-eight Lords Temporal of Ireland elected for life by the Peers of Ireland, shall be the number to sit and vote on the part of Ireland in the House of Lords of the Parliament of the United Kingdom; and One hundred Commoners (Two for each County of Ireland, Two for the City of Dublin, Two for the City of Cork, One for the University of Trinity College, and One for each of the Thirty-one most considerable cities, towns, and boroughs) be the number to sit and vote on the part of Ireland in the House of Commons of the Parliament of the United Kingdom :

That the number of Lords Spiritual and Temporal, and of Commoners, herein specified, shall sit and vote on the part of Ireland in the Parliament of the United Kingdom.

That such Act as shall be passed in the Parliament of Ireland previous to the Union, to regulate the mode by which the Lords Spiritual and Temporal, and the Commons, to serve in the Parliament of the United Kingdom on the part of Ireland, shall be summoned and returned to the said Parliament, shall be considered as forming part of the Treaty of Union, and shall be incorporated in the Acts of the respective Parliaments by which the said Union shall be ratified and established :

That such as shall be passed in Ireland to regulate the mode of summoning and returning the Lords and Commoners to serve in the Parliament of the United Kingdom shall be considered as part of the Treaty of Union.

That all questions touching the rotation or elec-

That all questions touching the rotation or election of Lords of Ireland to sit in the United Parliament shall be decided by the House of Lords thereof.

tion of Lords Spiritual or Temporal of Ireland to sit in the Parliament of the United Kingdom shall be decided by the House of Lords thereof; and whenever, by reason of an equality of votes in the election of any such Lords Temporal, a complete election shall not be made according to the true intent of this Article, the names of those Peers for whom such equality of votes shall be so given shall be written on pieces of paper of similar form, and shall be put into a glass by the Clerk of the Parliaments at the Table of the House of Lords, whilst the House is sitting; and the Peer or Peers whose name or names shall be first drawn out by the Clerk of the Parliaments shall be deemed the Peer or Peers elected, as the case may be:

That any Peer of Ireland may be elected to serve in the House of Commons of the United Kingdom, unless previously elected to sit in the House of Lords, but shall not be entitled to the privilege of Peerage, &c.

That any person holding any Peerage of Ireland now subsisting, or hereafter to be created, shall not thereby be disqualified from being elected to serve, if he shall so think fit, or from serving or continuing to serve, if he shall so think fit, for any county, city, or borough of Great Britain, in the House of Commons of the United Kingdom, unless he shall have been previously elected as above to sit in the House of Lords of the United Kingdom; but that, so long as such Peer of Ireland shall so continue to be a Member of the House of Commons, he shall not be entitled to the Privilege of Peerage, nor be capable of being elected to serve as a Peer on the part of Ireland, or of voting at any such election; and that he shall be liable to be sued, indicted, proceeded against, and tried as a Commoner for any offence with which he may be charged.

That it shall be lawful for His Majesty, his heirs and successors, to create Peers of that part of the

United Kingdom called Ireland, and to make promotions in the Peerage thereof, after the Union ; provided that no new creation of any such Peers shall take place after the Union until Three of the Peerages of Ireland, which shall have been existing at the time of the Union, shall have become extinct ; and upon such extinction of Three Peerages, that it shall be lawful for His Majesty, his heirs and successors, to create One Peer of that part of the United Kingdom called Ireland ; and in like manner, so often as Three Peerages of that part of the United Kingdom called Ireland shall become extinct, it shall be lawful for His Majesty, his heirs and successors, to create One other Peer of the said part of the United Kingdom ; and if it shall happen that the Peers of that part of the United Kingdom called Ireland shall, by extinction of Peerages or otherwise, be reduced to the number of One hundred, exclusive of all such Peers of that part of the United Kingdom called Ireland, as shall hold any Peerage of Great Britain subsisting at the time of the Union, or of the United Kingdom created since the Union, by which such Peers shall be entitled to an hereditary seat in the House of Lords of the United Kingdom, then and in that case it shall and may be lawful for His Majesty, his heirs and successors, to create One Peer of that part of the United Kingdom called Ireland as often as any one of such One hundred Peerages shall fail by extinction, or as often as any One Peer of that part of the United Kingdom called Ireland shall become entitled, by descent or creation, to an hereditary seat in the House of Lords, of the United Kingdom ; it being the true intent and meaning of this Article, that at all times after the Union

His Majesty may create Peers, and make promotions in the Peerage of Ireland after the Union, under certain regulations.



it shall and may be lawful for His Majesty, his heirs and successors, to keep up the Peerage of that part of the United Kingdom called Ireland to the number of One hundred, over and above the number of such of the said Peers as shall be entitled by descent or creation to an hereditary seat in the House of Lords of the United Kingdom :

Peerages in abeyance to be deemed existing Peerages, and no Peerage to be deemed extinct but on default of claim for a year after the death of the late possessor.

That if any Peerage shall at any time be in abeyance such Peerage shall be deemed and taken as an existing Peerage ; and no Peerage shall be deemed extinct unless on default of claimants to the inheritance of such Peerage for the space of One year from the death of the person who shall have been last possessed thereof ; and if no claim shall be made to the inheritance of such Peerage, in such form and manner as may from time to time be prescribed by the House of Lords of the United Kingdom, before the expiration of the said period of a year, then and in that case such Peerage shall be deemed extinct ; provided that nothing herein shall exclude any person from afterwards putting in a claim to the Peerage so deemed extinct ; and if such claim shall be allowed as valid, by judgment of the House of Lords of the United Kingdom, reported to His Majesty, such Peerage shall be considered as revived ; and in case any new creation of a Peerage of that part of the United Kingdom called Ireland shall have taken place in the interval, in consequence of the supposed extinction of such Peerage, then no new right of creation shall accrue to His Majesty, his heirs or successors, in consequence of the next extinction which shall take place of any Peerage of that part of the United Kingdom called Ireland :

If a claim be after that period made and allowed, and a new creation shall have taken place in the interval, no new right of creation shall accrue to His Majesty on the next extinction of a Peerage.

That all questions touching the election of

Members to sit on the part of Ireland in the House of Commons of the United Kingdom shall be heard and decided in the same manner as questions touching such elections in Great Britain now are or at any time hereafter shall by law be heard and decided; subject, nevertheless, to such particular regulations in respect of Ireland as, from local circumstances, the Parliament of the United Kingdom may from time to time deem expedient:

Questions touching the election of Members to sit in the House of Commons of the United Kingdom on the part of Ireland shall be decided as questions touching such elections in Great Britain,

That the qualifications in respect of property of the Members elected on the part of Ireland to sit in the House of Commons of the United Kingdom shall be respectively the same as are now provided by law in the cases of elections for counties and cities and boroughs respectively in that part of Great Britain called England, unless any other provision shall hereafter be made in that respect by Act of Parliament of the United Kingdom:

And their qualifications in respect of property shall be the same as in England.

That when His Majesty, his heirs or successors, shall declare his, her, or their pleasure for holding the first or any subsequent Parliament of the United Kingdom, a Proclamation shall issue, under the Great Seal of the United Kingdom, to cause the Lords Spiritual and Temporal, and Commons, who are to serve in the Parliament thereof on the part of Ireland, to be returned in such manner as by any Act of this present Session of the Parliament of Ireland shall be provided; and that the Lords Spiritual and Temporal, and Commons, of Great Britain, shall together with the Lords Spiritual and Temporal and Commons, so returned as aforesaid on the part of Ireland, constitute the Two Houses of the Parliament of the United Kingdom:

When His Majesty shall declare his pleasure for holding a Parliament of the United Kingdom, a Proclamation shall issue to cause the Lords and Commons, who are to serve on the part of Ireland, to be returned as shall be provided by any Act of the present Session in Ireland.

That if His Majesty, on or before the First day

If His Majesty, on or before 1st January 1801, shall declare it is expedient that the present Parliament of Great Britain should be the Members of the respective Houses of the First Parliament of the United Kingdom on the part of Great Britain, they and the Lords and Commons returned on the part of Ireland may continue to sit so long as the present Parliament of Great Britain may; but until an Act shall have passed in the United Parliament, providing in what cases persons holding offices of profit under the Crown in Ireland shall be incapable of sitting in the House of Commons of the United Kingdom, no more than Twenty shall sit therein; and if more than that number be returned, the seats or places of such as shall have accepted such offices shall be vacated, so as to reduce them to Twenty. The Lords and Commons of the United Parliament shall take the Oaths, &c., as enjoined to be taken by the Lords and Commons of the British Parliament.

of January One thousand Eight hundred and One, on which day the Union is to take place, shall declare, under the Great Seal of Great Britain, that it is expedient that the Lords and Commons of the present Parliament of Great Britain should be the Members of the respective Houses of the first Parliament of the United Kingdom on the part of Great Britain; then the said Lords and Commons of the present Parliament of Great Britain shall accordingly be the Members of the respective Houses of the First Parliament of the United Kingdom on the part of Great Britain; and they, together with the Lords Spiritual and Temporal and Commons, so summoned and returned as above on the part of Ireland, shall be the Lords Spiritual and Temporal and Commons of the First Parliament of the United Kingdom; and such First Parliament may (in that case), if not sooner dissolved, continue to sit so long as the present Parliament of Great Britain may now by law continue to sit, if not sooner dissolved. Provided always, that until an Act shall have passed in the Parliament of the United Kingdom, providing in what cases persons holding offices or places of profit under the Crown in Ireland shall be incapable of being Members of the House of Commons of the Parliament of the United Kingdom, no greater number of Members than Twenty, holding such offices or places as aforesaid, shall be capable of sitting in the said House of Commons of the Parliament of the United Kingdom; and if such a number of Members shall be returned to serve in the said House as to make the whole number of Members of the said House holding such offices or places as aforesaid more than Twenty, then and in such case the seats or places of such Members

as shall have last accepted such offices or places shall be vacated, at the option of such Members, so as to reduce the number of Members holding such offices or places to the number of Twenty; and no person holding any such office or place shall be capable of being elected or of sitting in the said House while there are Twenty persons holding such offices or places sitting in the said House; and that every one of the Lords of Parliament of the United Kingdom, and every Member of the House of Commons of the United Kingdom, in the First and all succeeding Parliaments, shall, until the Parliament of the United Kingdom shall otherwise provide, take the Oaths, and make and subscribe the Declaration, and take and subscribe the Oath now by law enjoined to be taken, made, and subscribed by the Lords and Commons of the Parliament of Great Britain :

That the Lords of Parliament on the part of Ireland, in the House of Lords of the United Kingdom, shall at all times have the same privileges of Parliament which shall belong to the Lords of Parliament on the part of Great Britain; and the Lords Spiritual and Temporal respectively on the part of Ireland shall at all times have the same rights in respect of their sitting and voting upon the trial of Peers, as the Lords Spiritual and Temporal respectively on the part of Great Britain; and that all Lords Spiritual of Ireland shall have rank and precedence next and immediately after the Lords Spiritual of the same rank and degree of Great Britain, and shall enjoy all privileges as fully as the Lords Spiritual of Great Britain do now or may hereafter enjoy the same (the right and privilege of sitting in the House of Lords, and the privileges depending thereon, and particu-

The Lords of Parliament on the part of Ireland shall have the same privileges as the Lords on the part of Great Britain, and all Lords Spiritual of Ireland shall have rank next after the Lords Spiritual of the same rank of Great Britain, and shall enjoy the same privileges (except those depending upon sitting in the House of Lords), and the Temporal Peers of Ireland shall have rank next after the Peers of the like rank in Great Britain at the time of the Union; and all Peers of

Ireland and of the United Kingdom created after the Union shall have rank according to creation; and all Peerages of Great Britain and of Ireland shall, in all other respects, be considered as Peerages of the United Kingdom, and the Peers of Ireland shall enjoy the same privileges, except those depending upon sitting in the House of Lords.

larly the right of sitting on the trial of Peers, excepted); and that the persons holding any temporal Peerages of Ireland existing at the time of the Union shall, from and after the Union, have rank and precedence next and immediately after all the persons holding Peerages of the like orders and degrees in Great Britain subsisting at the time of the Union; and that all Peerages of Ireland created after the Union shall have rank and precedence with the Peerages of the United Kingdom, so created, according to the dates of their creations; and that all Peerages, both of Great Britain and Ireland, now subsisting or hereafter to be created, shall in all other respects, from the date of the Union, be considered as Peerages of the United Kingdom; and that the Peers of Ireland shall, as Peers of the United Kingdom, be sued and tried as Peers, except as aforesaid, and shall enjoy all privileges as Peers as fully as the Peers of Great Britain; the right and privilege of sitting in the House of Lords, and the privileges depending thereon, and the right of sitting on the trial of Peers, only excepted.

#### ARTICLE FIFTH.

The Churches of England and Ireland to be united into one Protestant Episcopal Church, and the doctrine of the Church of Scotland to remain as now established.

That it be the Fifth Article of Union, That the Churches of England and Ireland, as now by law established, be united into one Protestant Episcopal Church, to be called the United Church of England and Ireland; and that the doctrine, worship, discipline, and government of the said United Church shall be and shall remain in full force for ever, as the same are now by law established for the Church of England; and that the continuance and preservation of the said United Church, as the Established

Church of England and Ireland, shall be deemed and taken to be an essential and fundamental part of the Union; and that in like manner the doctrine, worship, discipline, and government of the Church of Scotland shall remain and be preserved as the same are now established by law, and by the Acts for the Union of the two Kingdoms of England and Scotland.

## ARTICLE SIXTH.

That it be the Sixth Article of Union, That His Majesty's subjects of Great Britain and Ireland shall, from and after the First day of January One thousand Eight hundred and One, be entitled to the same privileges, and be on the same footing, as to encouragements and bounties on the like articles being the growth, produce, or manufacture of either country respectively, and generally in respect of Trade and Navigation in all ports and places in the United Kingdom and its Dependencies; and that in all Treaties made by His Majesty, his heirs and successors, with any Foreign Power, His Majesty's subjects of Ireland shall have the same privileges, and be on the same footing, as His Majesty's subjects of Great Britain:

That, from the First day of January One thousand Eight hundred and One, all prohibitions and bounties on the export of articles, the growth, produce, or manufacture of either country, to the other, shall cease and determine, and that the said articles shall thenceforth be exported from one country to the other without duty or bounty on such export:

That all articles, the growth, produce, or manufacture of either country (not hereinafter enumerated as subject to specific duties), shall from thenceforth

The subjects of Great Britain and Ireland shall be on the same footing in respect of Trade and Navigation, and in all Treaties with Foreign Powers the subjects of Ireland shall have the same privileges as British subjects.

From 1st January 1801, all prohibitions and bounties on the export of articles the produce or manufacture of either country to the other shall cease.

All articles, the produce or manufacture of either country, not hereinafter

enumerated as subject to specific duties, shall be imported into each country from the other duty free, other than the countervailing duties in the Schedule No. 1, or to such as shall hereafter be imposed by the United Parliament; and for 20 years from the Union the articles in Schedule No. 2 shall be subject, on importation into each country, to the duties in the said Schedule; and old and new drapery shall pay, on importation into each country, the duty now payable on importation into Ireland; salt, hops, and coals, on importation into Ireland, not exceeding the present duties.

Calicoes and muslins, on importation into either country, shall be subject to the duties now payable on the importation thereof from Great Britain into Ireland till 5th January 1808, which shall then be annually reduced so as to stand at 10 per cent. from 5th January 1816 until 5th January 1821; cotton yarn and

be imported into each country from the other free from duty, other than such countervailing duties on the several articles enumerated in the Schedule Number One, A. and B., hereunto annexed, as are therein specified, or to such other countervailing duties as shall hereafter be imposed by the Parliament of the United Kingdom, in the manner hereinafter provided; and that, for the period of Twenty years from the Union, the articles enumerated in the Schedule Number Two, hereunto annexed, shall be subject on importation into each country from the other to the duties specified in the said Schedule Number Two, and the woollen manufactures, known by the names of Old and New Drapery, shall pay, on importation into each country from the other, the duties now payable on importation into Ireland; salt and hops, on importation into Ireland from Great Britain, duties not exceeding those which are now paid on importation into Ireland; and coals, on importation into Ireland from Great Britain, shall be subject to burthens not exceeding those to which they are now subject:

That calicoes and muslins shall, on their importation into either country from the other, be subject and liable to the duties now payable on the same on the importation thereof from Great Britain into Ireland, until the Fifth day of January One thousand Eight hundred and Eight, and from and after the said day the said duties shall be annually reduced, by equal proportions as near as may be in each year, so as that the said duties shall stand at Ten per centum from and after the Fifth day of January One thousand Eight hundred and Sixteen, until the Fifth day of January One thousand Eight hundred and

Twenty-one; and that cotton yarn and cotton twist shall, on their importation into either country from the other, be subject and liable to the duties now payable upon the same on the importation thereof from Great Britain into Ireland, until the Fifth day of January One thousand Eight hundred and Eight; and from and after the said day the said duties shall be annually reduced by equal proportions as near as may be in each year, so as that all duties shall cease on the said articles from and after the Fifth day of January One thousand Eight hundred and Sixteen:

That any articles of the growth, produce, or manufacture of either country, which are or may be subject to internal duty, or to duty on the materials of which they are composed, may be made subject, on their importation into each country respectively from the other, to such countervailing duty as shall appear to be just and reasonable in respect of such internal duty or duties on the materials, and that for the said purposes the articles specified in the said Schedule Number One, A. and B., shall be subject to the duties set forth therein, liable to be taken off, diminished, or increased, in the manner herein specified; and that, upon the export of the said articles from each country to the other respectively, a drawback shall be given equal in amount to the countervailing duty payable on such articles on the import thereof into the same country from the other; and that, in like manner, in future it shall be competent to the United Parliament to impose any new or additional countervailing duties, or to take off or diminish such existing countervailing duties as may appear, on like principles, to be just and reasonable in respect of any future or additional internal duty

twist shall, on importation into either country, be subject to the duties now payable on importation from Great Britain into Ireland until 5th January 1808, and shall then be annually reduced so as that all duties shall cease from 5th January 1816.

Articles of the produce or manufacture of either country, subject to internal duty, or to duty on the materials, may be subjected, on importation into each country, to countervailing duties, and upon their export a drawback of the duty shall be allowed.



on any article of the growth, produce, or manufacture of either country, or of any new or additional duty on any materials of which such article may be composed, or of any abatement of duty on the same ; and that, when any such new or additional countervailing duty shall be so imposed on the import of any article into either country from the other, a drawback, equal in amount to such countervailing duty, shall be given in like manner on the export of every such article respectively from the same country to the other :

Articles, the produce or manufacture of either country when exported through the other, shall be subject to the same charges as if exported directly from the country of which they were the produce or manufacture.

That all articles, the growth, produce, or manufacture of either country, when exported through the other, shall in all cases be exported subject to the same charges as if they had been exported directly from the country of which they were the growth, produce, or manufacture :

Duty on the import of foreign or colonial goods into either country shall be drawn back, or, if any be retained, shall be credited to the country to which exported, so long as the expenditure of the United Kingdom shall be defrayed by proportional contributions. Act not to take away any duty, bounty, or prohibition with respect to corn, &c., which may be regulated as the United Parliament shall deem expedient.

That all duty charged on the import of foreign or colonial goods into either country shall, on their export to the other, be either drawn back, or the amount (if any be retained) shall be placed to the credit of the country to which they shall be so exported, so long as the expenditure of the United Kingdom shall be defrayed by proportional contributions : Provided always, that nothing herein shall extend to take away any duty, bounty, or prohibition which exists with respect to corn, meal, malt, flour, or biscuit ; but that all duties, bounties, or prohibitions on the said articles may be regulated, varied, or repealed, from time to time, as the United Parliament shall deem expedient.

## SCHEDULE—Number One.

Of the Articles to be charged with Countervailing Duties upon Importation from *Ireland* into *Great Britain*, and from *Great Britain* into *Ireland*, respectively, according to the Sixth Article of Union.

## A.

On Importation into *Great Britain* from *Ireland*.

ARTICLES	Customs			Excise		
	£	s.	d.	£	s.	d.
BEER.—For every barrel consisting of thirty-six gallons, English beer measure, of Irish beer, ale, or mum, which shall be imported into Great Britain directly from Ireland, and so in proportion for any greater or less quantity, to be paid by the importer thereof . . .	—	—	—	—	8	—
BRICKS AND TILES.—For every thousand of Irish bricks . . .	—	—	—	—	5	—
For every thousand of Irish plain tiles . . .	—	—	—	—	4	10
For every thousand of Irish pan or ridge tiles . . .	—	—	—	—	12	10
For every hundred of Irish paving tiles, not exceeding ten inches square . . .	—	—	—	—	2	5
For every hundred of Irish paving tiles, exceeding ten inches square . . .	—	—	—	—	4	10
For every thousand of Irish tiles, other than such as are herein-before enumerated and described, by whatsoever name or names such tiles are or may be called or known . . .	—	—	—	—	4	10
CANDLES.—For every pound weight avoirdupois of Irish candles of tallow, and other candles whatsoever (except wax and spermaceti) . . .	—	—	—	—	—	1
For every pound weight avoirdupois of Irish candles, which may be made of wax or spermaceti, or which are usually called or sold either for wax or spermaceti, notwithstanding the mixture of any other ingredient therewith . . .	—	—	—	—	—	3½
CHOCOLATE, &c.—For every pound weight avoirdupois of Irish cocoa, cocoa paste, or chocolate . . .	—	—	—	—	2	—

ARTICLES	Customs			Excise		
	£	s.	d.	£	s.	d.
CORDAGE; <i>videlicet</i> .—To be used as standing rigging, or other cordage made from topk hemp, the ton, containing twenty hundred weight . . . . .	4	10	8	—		
Of any other sort, cable yarn, packthread, and twine, the ton, containing twenty hundred weight . . . . .	4	4	4	—		
CYDER and PERRY.—For every hogshead, consisting of sixty-three gallons English wine measure, of Irish Cyder and Perry, which shall be imported as merchandise or for sale, and which shall be sent or consigned to any factor or agent to sell or dispose of . . .	—			—	19	2
GLASS.—For every square foot superficial measure of Irish plate glass . . . . .	—			—	2	2½
For every hundred weight of Irish flint, enamel, stained, paste, or phial glass . . . . .	—			2	3	6
For every hundred weight of Irish spread window glass, commonly called broad glass . . . . .	—			—	8	1
For every hundred weight of Irish window glass (not being spread glass), whether slashed or otherwise manufactured, and commonly called or known by the name of crown glass, or German sheet glass . . . . .	—			1	9	9
For every hundred weight of vessels made use of in chemical laboratories, and of garden glasses, and of all other vessels or utensils of common bottle metal, manufactured in Ireland, common bottles excepted . . . . .	—			—	4	½
For every hundred weight of any sort or species of Irish glass, not herein-before enumerated or described . . . . .	—			2	2	—
Bottles of common green glass, the dozen quarts . . . . .	—	—	9	—		
HOPS.—For every pound weight avoirdupois of Irish hops . . . . .	—			—		1½
LEATHER, unmanufactured.—For every pound weight avoirdupois of hides, of what kind soever, and of calf skins, kips, hog skins, dog skins, and seal skins, tanned in Ireland, and of sheep skins and lamb skins so tanned . . . . .						

ARTICLES	Customs	Excise
<b>LEATHER—cont.</b>	£ s. d.	£ s. d.
for gloves and basils, which shall be imported in the whole hide or skin, and neither cut nor diminished in any respect whatever	—	— 1 ½
For every dozen of goat skins tanned in Ireland to resemble Spanish leather	—	— 4 —
For every dozen of sheep skins tanned in Ireland for roans, being after the nature of Spanish leather	—	— 2 3
For every pound weight avoirdupois of all other hides or skins not herein-before enumerated and described, and of all pieces and parts of hides or skins which shall be tanned in Ireland	—	— 6
For all hides of horses, mares, and geldings, which shall be dressed in alum and salt or meal, or otherwise tawed in Ireland, for each and every such hide	—	— 1 6
For all hides of steers, cows, or any other hides of what kind soever (those of horses, mares, and geldings excepted) which shall be dressed in alum and salt, or meal, or otherwise tawed in Ireland, for each and every such hide	—	— 3 —
For every pound weight avoirdupois of all calf skins, kips, and seal skins, which shall be so dressed in alum and salt, or meal, or otherwise tawed in Ireland, and imported into Great Britain, in the whole skin, neither cut nor diminished in any respect whatever	—	— 1 ½
For every dozen of slink calf skins, which shall be so dressed in alum and salt, or meal, or otherwise tawed with the hair on, in Ireland	—	— 3 —
For every dozen of slink calf skins, which shall be so dressed in alum and salt, or meal, or otherwise tawed without hair, in Ireland, and for every dozen of dog skins and kid skins, which shall be dressed in alum and salt, or meal, or otherwise tawed in Ireland	—	— 1 —
For every pound weight avoirdupois of buck and doe skins, which shall be dressed in alum and salt, or meal, or otherwise tawed in Ireland, and which shall be imported in the whole skin, and neither cut nor diminished in any respect whatever	—	— 6

ARTICLES	Customs	Excise
	£ s. d.	£ s. d.
<b>LEATHER—<i>cont.</i></b>		
For every dozen of goat skins and beaver skins, which shall be dressed in alum and salt, or meal, or otherwise tawed in Ireland . . .	—	— 2 —
For every pound weight avoirdupois of sheep skins and lamb skins, which shall be dressed in alum and salt, or meal, or otherwise tawed in Ireland, and which shall be imported in the whole skin, and neither cut nor diminished in any respect whatever . . .	—	— — 1½
For every pound weight avoirdupois of all other hides and skins, not herein-before enumerated and described, and of all pieces or parts of hides or skins, which shall be dressed in alum and salt, or meal, or otherwise tawed in Ireland . . .	—	— — 6
For every pound weight avoirdupois of all buck, deer, and elk skins, which shall be dressed in oil in Ireland, and imported in the whole skin, and neither cut nor diminished in any respect whatever . . .	—	— 1 —
For every pound weight avoirdupois of all sheep and lamb skins, which shall be dressed in oil in Ireland . . .	—	— — 3
For every pound weight avoirdupois of all other hides and skins, and parts and pieces of hides and skins, which shall be dressed in oil in Ireland . . .	—	— — 6
For every dozen of Irish vellum . . .	—	— 3 5½
For every dozen of Irish parchment . . .	—	— 1 8½
<b>LEATHER, manufactured into goods and wares.—</b>		
For every pound weight avoirdupois of tanned leather manufactured and actually made into goods or wares in Ireland . . .	—	— — 1½
For every pound weight avoirdupois of Irish-made boots and shoes, and gloves, and other manufactures made of tawed or dressed leather . . .	—	— — 1
For every pound weight avoirdupois of all buck and deer skins, and elk skins, dressed in oil and manufactured into goods and wares in Ireland . . .	—	— 1 —
For every pound weight avoirdupois of all sheep		

ARTICLES	Customs			Excise		
	£	s.	d.	£	s.	d.
<b>LEATHER—<i>cont.</i></b>						
and lamb skins, dressed in oil and manufactured into goods or wares in Ireland . . .	—	—	—	—	—	3
For every pound weight avoirdupois of all other hides and skins, not herein-before enumerated or described, dressed in oil and manufactured into goods or wares in Ireland . . .	—	—	—	—	—	6
<b>MEAD OR METHUEGLIN.</b> —For every gallon, English wine measure, of Irish mead or methueglin . . .	—	—	—	—	1	$\frac{1}{2}$
<b>PAPER.</b> —For every pound weight avoirdupois of Irish paper, fit or proper, or that may be used for or applied to the uses or purposes of writing, drawing, and printing, or either of them, and of all Irish elephant papers and cartridge papers . . .	—	—	—	—	—	2 $\frac{1}{2}$
For every pound weight avoirdupois of Irish coloured papers and whited-brown papers (other than and except elephant and cartridge papers) fit and proper for the use and purpose of wrapping up goods, and not fit or proper or capable of being used for or applied to the purposes of writing, drawing, and printing, or either of them . . .	—	—	—	—	—	1
For every pound weight avoirdupois of Irish brown paper, fit and proper for the use and purpose of wrapping up goods, and not fit or proper or capable of being used for or applied to the uses and purposes of writing, drawing, and printing, or either of them . . .	—	—	—	—	—	$\frac{1}{2}$
For every pound weight avoirdupois of every sort or kind of Irish paper, not herein-before enumerated or described, sheathing and button paper and button board excepted . . .	—	—	—	—	—	2 $\frac{1}{2}$
For every one hundred weight of Irish paste-board, millboard, and scaleboard . . .	—	—	—	—	10	0
For every one hundred weight of Irish glazed papers for clothiers and hot pressers . . .	—	—	—	—	0	—
For every pound weight avoirdupois of books, bound or unbound, and of maps or prints, which shall be imported into Great Britain directly from Ireland . . .	—	—	—	—	—	2

ARTICLES	Customs			Excise		
	£	s.	d.	£	s.	d.
PRINTED GOODS.—For every yard square of Irish printed, painted, or stained papers, to serve for hangings or other uses . . . . .	—	—	—	—	—	1 $\frac{3}{4}$
For every yard in length, reckoning yard-wide, of foreign calicoes and foreign muslins, which shall be printed, painted, stained, or dyed in Ireland (except such as shall be dyed throughout of one colour), over and above any duty of Customs payable on the importation of foreign calicoes and muslins . . . . .	—	—	—	—	—	7
For every yard in length, reckoning yard-wide, of all Irish printed, painted, stained, or dyed Irish-made calicoes, muslins, linens, and stuffs, made either of cotton or linen, mixed with other materials, fustians, velvets, velverets, dimities, and other figured stuffs, made of cotton and other materials, mixed or wholly made of cotton wool (except such as shall be dyed throughout of one colour only) . . . . .	—	—	—	—	—	3 $\frac{1}{2}$
For every yard in length, reckoning yard-wide, of all Irish printed, stained, painted, or dyed Irish-made stuffs not before enumerated or described (except such as shall be dyed throughout of one colour only, and except stuffs made of woollen, or whereof the greatest part in value shall be woollen) . . . . .	—	—	—	—	—	3 $\frac{1}{2}$
For every yard in length, reckoning half-yard wide, of all Irish printed, stained, painted, or dyed silks (silk handkerchiefs excepted), over and above any duty of Customs payable on the importation of silk . . . . .	—	—	—	—	1	1 $\frac{3}{4}$
For every yard square of Irish printed, stained, painted, or dyed silk handkerchiefs, and so in proportion for wide or narrow silk handkerchiefs, over and above every duty of Customs payable on silk . . . . .	—	—	—	—	—	4 $\frac{1}{2}$
SALT.—For every bushel, consisting of 56 pounds weight avoirdupois, of Irish salt, or Irish glauber, or Irish Epsom salt . . . . .	—	—	—	—	10	—
For every bushel, consisting of 65 pounds weight avoirdupois, of Irish rock salt . . . . .	—	—	—	—	10	—

ARTICLES	Customs	Excise
	£ s. d.	£ s. d.
<b>SILK.</b> —Manufactures of ribbons and stuffs of silk only, the pound, containing sixteen ounces .	— 5 —	—
<i>Note.</i> —Two-thirds of the weight of gauze and one-third of the weight of crape, is to be deducted for gum and dress.		
Silk and ribbons of silk, mixed with gold or silver, the pound, containing sixteen ounces .	— 6 8	—
Silk stockings, silk gloves, silk fringe, silk laces, stitching or sewing silk, the pound, containing sixteen ounces .	— 3 —	—
Silk, manufactures of, not otherwise enumerated or described, the pound, containing sixteen ounces .	— 4 —	—
Stuffs of silk and grogram yarn, the pound, containing sixteen ounces .	— 1 2	—
Stuffs of silk mixed with incl. or cotton, the pound, containing sixteen ounces .	— 1 8	—
Stuffs of silk and worsted, the pound, containing sixteen ounces .	— — 10	—
Stuffs of silk mixed with any other material, the pound, containing sixteen ounces .	— 1 3	—
<b>SOAP.</b> —For every pound weight avoirdupois of Irish hard, cake, or ball soap .	—	— — 2½
For every pound weight of Irish soft soap .	—	— — 1½
<b>SPIRITS, BRITISH.</b> —For every gallon English wine measure, of spirits, <i>aqua vite</i> , or strong waters, which shall be distilled or made in Ireland, and imported at a strength not exceeding one to ten over hydrometer proof .	—	— 5 1½
<i>Note.</i> —Spirits above the strength of one to ten will be charged in proportion; and on sweetened or compounded spirits, the duty will be computed with the highest degree of strength at which such spirits can be made.		
<b>STARCH.</b> —For every pound weight of Irish starch or hair powder, of what kind soever .	—	— — 3½
<b>SUGARS.</b> —Refined; <i>videlicet</i> , called bastards, whole or ground, the hundred weight .	— 18 2	—
Lumps, the hundred weight .	1 14 ¾	—
Single loaf, the hundred weight .	1 16 4	—



ARTICLES	Customs	Excise
<b>SUGARS—<i>cont.</i></b>	<b>£ s. d.</b>	<b>£ s. d.</b>
Powdered loaf and double loaf, the hundred weight . . . . .	1 19 1	—
Sugar candy, brown, the hundred weight . . . . .	1 14 $\frac{1}{2}$	—
Sugar candy, white, the hundred weight . . . . .	1 19 1	—
Sugar, refined, of any other sort, the hundred weight . . . . .	1 19 1	—
<b>SWEETS.—For every barrel, consisting of thirty-one gallons and a half English wine measure, of Irish sweets, or other Irish liquor made by infusion, fermentation, or otherwise from fruit or sugar, or from fruit or sugar mixed with any other materials or ingredients whatsoever, commonly called sweets, or called or distinguished by the name of made wines . . . . .</b>	—	2 2 —
<b>TOBACCO and SNUFF.—For every pound weight avoirdupois of unmanufactured tobacco, of the growth or produce of Ireland, over and above any duty of Customs . . . . .</b>	—	— 1 1
For every pound weight avoirdupois of Irish manufactured short cut tobacco, or tobacco manufactured into what is commonly called or known by the name of Spanish . . . . .	—	— 1 7
For every pound weight avoirdupois of Irish manufactured shag tobacco . . . . .	—	— 1 5 $\frac{1}{2}$
For every pound weight avoirdupois of Irish manufactured roll tobacco . . . . .	—	— 1 7
For every pound weight avoirdupois of Irish manufactured carrot tobacco . . . . .	—	— 1 5 $\frac{1}{2}$
For every pound weight avoirdupois of every other sort of Irish manufactured tobacco, not herein-before enumerated or described . . . . .	—	— 1 7
For every pound weight avoirdupois of Irish manufactured rappee snuff . . . . .	—	— 1 4 $\frac{1}{2}$
For every pound weight avoirdupois of Irish manufactured Scotch snuff . . . . .	—	— 1 10 $\frac{1}{2}$
For every pound weight avoirdupois of Irish manufactured brown Scotch snuff . . . . .	—	— 1 3 $\frac{1}{2}$
For every pound weight avoirdupois of Irish manufactured tobacco stalk flour . . . . .	—	— 1 9
For every pound weight avoirdupois of every other sort or kind of Irish manufactured snuff,		

ARTICLES	Customs	Excise
<b>TOBACCO—<i>cont.</i></b>	£ s. d.	£ s. d.
or snuff work, not herein-before enumerated or described . . . . .	—	- 1 10½
Tobacco, unmanufactured, the pound . . .	- - 6 <sup>9</sup> / <sub>20</sub>	—
<b>VERJUICE.</b> —For every hogshead consisting of sixty-three gallons English wine measure, of Irish verjuice . . . . .	—	- 7 8
<b>VINEGAR.</b> —For every barrel consisting of thirty- four gallons, English beer measure, of Irish vinegar . . . . .	—	- 12 8½
<b>WIRE.</b> —For every ounce troy weight of Irish gilt wire . . . . .	—	- - 9½
For every ounce troy of Irish silver wire . . .	—	- - 7
For every pound weight avoirdupois of Irish gold thread, gold lace, or gold fringe, made of plate wire spun upon silk . . . . .	—	- 7 8
For every pound weight avoirdupois of Irish silver thread, silver lace, or silver fringe, made of plate wire spun upon silk . . . . .	—	- 5 9

## B.

## On Importation into Ireland from Great Britain.

ARTICLES	—
<b>BEER.</b> —For and upon every barrel containing thirty-two gallons, imported from Great Britain . . . . .	£ s. d. - 4 6
<b>GLASS BOTTLES.</b> —For and upon each reputed quart . . .	- - -
<b>LEATHER, Unmanufactured.</b> —For and upon each pound in every hide or skin, or piece of any such hide or skin of what kind or denomination soever, other than such as are herein-after mentioned and described . . . . .	- - 1
For and upon each hide of horses, mares, or geldings . . .	- 1 -

ARTICLES	—
<b>LEATHER—<i>cont.</i></b>	£ s. d.
For and upon all skins called veal skins, and all skins of hogs, for every dozen skins thereof, and after the same rate for any greater or less quantity . . . . .	- 5 -
For and upon all skins for shoes and other like purposes and all seal skins, for every dozen thereof, and after the same rate for any greater or less quantity . . . . .	- 2 6
For and upon all skins for bookbinders' use, for every dozen thereof and after the same rate for any greater or less quantity . . . . .	- 1 -
For and upon all goat skins tanned with shumack, or otherwise, to resemble Spanish leather, and all sheep skins tanned for roans, being after the nature of Spanish leather, for every pound weight avoirdupois . . . . .	- - 1
For and upon all sheep and lamb skins tanned for gloves and basils, for every pound weight avoirdupois, and so in proportion for any greater or less quantity . . . . .	- - - $\frac{1}{2}$
<b>LEATHER, Dressed in Oil.</b> —For and upon every hide and skin, and piece of such hide and skin, other than such as are herein-after mentioned or described, for every pound weight avoirdupois . . . . .	- - 2
For and upon all deer skins, goat skins, and beaver skins, for every pound weight thereof avoirdupois . . . . .	- - 3
For and upon all calf skins, for every pound weight thereof avoirdupois . . . . .	- - 2
For and upon all sheep and lamb skins, for every pound weight avoirdupois . . . . .	- - - $\frac{1}{2}$
<b>VELLUM and PARCHMENT.</b> —For and upon every dozen skins of vellum . . . . .	- - 6
For and upon every dozen skins of parchment . . . . .	- - 3
<b>LEATHER, Manufactured into Goods and Wares.</b> —For and upon all tanned leather manufactured into goods and wares, whereof leather is the most valuable part, the following duties, <i>videlicet</i> :	
For and upon every pound weight avoirdupois of tanned leather, manufactured and actually made into goods and wares in Great Britain, of leather only, or of which leather makes the most valuable part . . . . .	- - 1
For and upon every pound weight avoirdupois of tawed or dressed leather, manufactured and actually made in Great Britain, of leather only, or of which leather makes the most valuable part . . . . .	- - 1

ARTICLES	£ s. d.
<b>LEATHER—cont.</b>	
For and upon every pound weight avoirdupois of all buck and deer skins, and elk skins, dressed in oil, and manufactured into goods and wares in Great Britain, of leather only, or of which leather makes the most valuable part .	- - 3
For and upon every pound weight avoirdupois of all sheep and lamb skins dressed in oil, and manufactured into goods and wares in Great Britain, of leather only, or of which leather makes the most valuable part .	- - $\frac{1}{2}$
For and upon every pound weight avoirdupois of all other hides and skins, not herein-before enumerated or described, dressed in oil, and manufactured into goods and wares in Great Britain, or of leather only, or of which leather makes the most valuable part .	- - 2
<b>PAPER.</b> —For and upon every pound weight avoirdupois of paper, fit or proper for, or that may be used for or applied to the uses or purposes of writing, drawing, or printing, or either of them, and all elephant paper, and all cartridge paper .	- - $2\frac{1}{2}$
For every pound weight avoirdupois of all coloured paper, and whited-brown papers, other than and except elephant and cartridge paper, fit or proper for the uses or purposes of wrapping up goods, and not fit or proper, or capable of being used for or applied to the uses or purposes of writing, drawing, and printing, or either of them, and also except paper hangings .	- - 1
For every pound weight avoirdupois of brown paper, fit and proper for the use or purpose of wrapping up goods, and not fit or proper or capable of being used for or applied to the uses or purposes of writing, drawing, or printing, or either of them .	- - $\frac{1}{2}$
For and upon every one hundred weight of glazed paper for clothiers and hotpressers, and so in proportion for any greater or less quantity .	- 5 -
For and upon every one hundred weight of pasteboard, millboard, and scaleboard, and so in proportion for any greater or less quantity .	- 10 -
For and upon every pound weight of every sort or kind of paper, not herein-before particularly enumerated or described, other than and except papers commonly called or known by the names of sheathing paper, and button paper, or button board, and paper hangings .	- - $2\frac{1}{2}$
<b>STAINED PAPER.</b> —For and upon every square yard of printed,	

ARTICLES	
<b>STAINED PAPER—<i>cont.</i></b>	£ s. d.
painted, or stained paper, for hangings or other uses, and so in proportion for any greater or less quantity . . .	- - 1
For and upon every pound weight avoirdupois of books bound or unbound, and of maps or prints, which shall be imported into Ireland from Great Britain . . .	- - 2
<b>CARDS.</b> —For and upon every pack of printed, painted, or playing cards, made or manufactured in Great Britain . . . And a further duty of 2½d. per pound weight.	- 1 5
<b>DICE.</b> —For and upon every pair of dice made or manufactured in Great Britain . . .	- 10 -
<b>WROUGHT PLATE.</b> —For and upon every ounce troy weight of gold or silver plate, which shall be wrought, made or manufactured in Great Britain, and imported into Ireland . . .	- - 6
<b>SILK MANUFACTURE.</b> —For and upon all silks being of the manufacture of Great Britain, and imported directly from thence, the following duties, <i>videlicet</i> :	
For and upon all ribbons and stuffs of silks only, for every pound weight thereof containing sixteen ounces . . .	- 2 1
For and upon all silk and ribbons of silk, mixed with gold or silver, for every pound weight thereof containing sixteen ounces . . .	- 2 9
For and upon all silk stockings, silk gloves, silk fringe, silk laces, stitching and sewing silk, for every pound weight thereof containing sixteen ounces . . .	- 1 3
For and upon all manufactures of silk not otherwise enumerated or described, for every pound weight thereof containing sixteen ounces . . .	- 1 8
For and upon all stuffs of silk and program yarn, the pound weight containing sixteen ounces . . .	- - 6
For and upon all stuffs of silk mixed with incl or cotton, the pound weight containing sixteen ounces . . .	- - 9
For and upon all stuffs of silk and worsted mixed, the pound weight containing sixteen ounces . . .	- - 4
For and upon all stuffs of silk mixed with any other material, the pound weight containing sixteen ounces . . .	- - 6½
<b>SPIRITS.</b> —For and upon every gallon of spirits, being of the manufacture of Great Britain, and imported from thence, a duty of . . .	- 3 7

ARTICLES	—
	£ s. d.
SUGAR, Refined.—Of the manufacture of Great Britain, and imported directly from thence, the following duties, <i>videlicet</i> :	
For and upon all sugar called bastards, white or ground, the hundred weight containing 112 pounds . . . . .	- 19 8
For and upon all sugar called lumps, the hundred weight containing 112 pounds . . . . .	1 16 10 $\frac{3}{4}$
For and upon all sugar called single loaf sugar, the hundred weight containing 112 pounds . . . . .	1 19 4
For and upon all sugar called powder loaf and double loaf, the hundred weight containing 112 pounds . . . . .	2 2 4
For and upon all sugar called sugar candy, brown, the hundred weight containing 112 pounds . . . . .	1 16 10
For and upon all sugar called sugar candy, white, the hundred weight containing 112 pounds . . . . .	2 2 4
For and upon all sugar refined, of any other sort, the hundred weight containing 112 pounds . . . . .	2 2 4
SWEETS.—For and upon every barrel, containing thirty-two gallons wine measure, of British sweets, or other British liquor made by infusion, fermentation, or otherwise, from fruit or sugar, or from fruit and sugar mixed with any other material or ingredients whatsoever, commonly called sweets, or called or distinguished by the name of made wines . . . . .	- 10 -
For and upon every gallon of mead or metheglin . . . . .	- - 4
For and upon every barrel, containing thirty-two gallons, of vinegar . . . . .	- 3 -
TOBACCO and SNUFF.—For and upon every pound weight avoirdupois of unmanufactured tobacco, of the growth or produce of Great Britain, over and above any duty of Customs now payable . . . . .	- - 5
For and upon every pound weight of British manufactured short cut tobacco, or tobacco manufactured into what is commonly called or known by the name of Spanish . . . . .	- 1 - $\frac{7}{16}$
For and upon every pound weight of British manufactured shag tobacco cut . . . . .	- - 11
For and upon every pound weight of British manufactured roll tobacco . . . . .	- 1 - $\frac{7}{16}$
For and upon every pound weight of British manufactured carrot tobacco . . . . .	- - 11
For and upon every pound weight of every other sort of	

ARTICLES	—
TOBACCO— <i>cont.</i>	£ s. d.
British manufactured tobacco not herein-before enumerated or described	- 1 - $\frac{7}{10}$
For and upon every pound weight avoirdupois of British manufactured rappee snuff	- - 10 $\frac{1}{4}$
For and upon every pound weight of British manufactured snuff called Scotch snuff	- 1 4
For and upon every pound weight of British manufactured snuff called brown Scotch snuff	- - 9 $\frac{3}{4}$
For and upon every pound weight of British manufactured stalk flour	- 1 3
For and upon every pound weight of every other sort or kind of British manufactured snuff or snuff work, not herein-before enumerated or described	- 1 4

## SCHEDULE.—Number Two.

Of the Articles charged with the Duties specified upon Importation into *Great Britain* and *Ireland* respectively, according to the Sixth Article of Union.

Apparel . . . . .	} Ten pounds per cent. on the true value.
Brass, wrought . . . . .	
Cabinet ware . . . . .	
Coaches and other carriages . . . . .	
Copper, wrought . . . . .	
Cottons, other than calicoes and muslins . . . . .	
Glass . . . . .	
Haberdashery . . . . .	
Hats . . . . .	
Tin plates, wrought iron and hard ware . . . . .	
Gold and silver lace, gold and silver thread, bullion for lace, pearl, and spangles . . . . .	
Millinery . . . . .	
Paper stained . . . . .	
Pottery . . . . .	
Saddlery and other manufactured leather . . . . .	
Silk manufacture . . . . .	
Stockings . . . . .	

ARTICLES	Customs	Excise
	£ s. d.	£ s. d.
<b>LEATHER—cont.</b>		
and lamb skins, dressed in oil and manufactured into goods or wares in Ireland . . .	—	— 3
For every pound weight avoirdupois of all other hides and skins, not herein-before enumerated or described, dressed in oil and manufactured into goods or wares in Ireland . . .	—	— 6
<b>MEAD OR METHEGLIN.</b> —For every gallon, English wine measure, of Irish mead or metheglin . . .	—	— 1 $\frac{1}{2}$
<b>PAPER.</b> —For every pound weight avoirdupois of Irish paper, fit or proper, or that may be used for or applied to the uses or purposes of writing, drawing, and printing, or either of them, and of all Irish elephant papers and cartridge papers . . .	—	— 2 $\frac{1}{2}$
For every pound weight avoirdupois of Irish coloured papers and whited-brown papers (other than and except elephant and cartridge papers) fit and proper for the use and purpose of wrapping up goods, and not fit or proper or capable of being used for or applied to the purposes of writing, drawing, and printing, or either of them . . .	—	— 1
For every pound weight avoirdupois of Irish brown paper, fit and proper for the use and purpose of wrapping up goods, and not fit or proper or capable of being used for or applied to the uses and purposes of writing, drawing, and printing, or either of them . . .	—	— $\frac{1}{2}$
For every pound weight avoirdupois of every sort or kind of Irish paper, not herein-before enumerated or described, sheathing and button paper and button board excepted . . .	—	— 2 $\frac{1}{2}$
For every one hundred weight of Irish paste-board, millboard, and scaleboard . . .	—	— 10 6
For every one hundred weight of Irish glazed papers for clothiers and hot pressers . . .	—	— 6 —
For every pound weight avoirdupois of books, bound or unbound, and of maps or prints, which shall be imported into Great Britain directly from Ireland . . .	—	— 2



Parliament of the United Kingdom shall afterwards proceed in like manner to revise and fix the said proportions according to the same rules, or any of them, at periods not more distant than twenty years nor less than seven years from each other: unless previous to any such period, the Parliament of the United Kingdom shall have declared, as hereinafter provided, that the expenditure of the United Kingdom shall be defrayed indiscriminately, by equal taxes imposed on the like articles in both countries: That for the defraying the said expenditure according to the rules above laid down, the revenues of Ireland shall hereafter constitute a Consolidated Fund, which shall be charged, in the first instance, with the interest of the Debt of Ireland, and with the Sinking Fund applicable to the reduction of the said Debt, and the remainder shall be applied towards defraying the proportion of the expenditure of the United Kingdom, to which Ireland may be liable in each year: That the proportion of contribution to which Great Britain and Ireland will be liable, shall be raised by such taxes in each country respectively, as the Parliament of the United Kingdom shall from time to time deem fit: provided always, that in regulating the taxes in each country, by which their respective proportions shall be levied, no article in Ireland shall be made liable to any new or additional duty, by which the whole amount of duty, payable thereon, would exceed the amount which will be hereafter payable in England on the like article: That, if at the end of any year any surplus shall accrue from the revenues of Ireland, after defraying the interest, Sinking Fund, and proportional contribution and separate charges to which the said

country shall then be liable, taxes shall be taken off to the amount of such surplus, or the surplus shall be applied by the Parliament of the United Kingdom to local purposes in Ireland, or to make good any deficiency which may arise in the revenues of Ireland in time of peace, or be invested, by the Commissioners of the National Debt of Ireland, in the Funds, to accumulate for the benefit of Ireland at compound interest, in case of the contribution of Ireland in time of war ; provided that the surplus so to accumulate shall at no future period be suffered to exceed the sum of Five millions : That all monies to be raised after the Union, by loan, in peace or war, for the service of the United Kingdom by the Parliament thereof, shall be considered to be a joint debt, and the charges thereof shall be borne by the respective countries in the proportion of their respective contributions : provided, that, if at any time in raising their respective contributions hereby fixed for each country, the Parliament of the United Kingdom shall judge it fit to raise a greater proportion of such respective contributions in one country within the year than in the other, or to set apart a greater proportion of Sinking Fund for the liquidation of the whole or any part of the loan raised on account of the one country than of that raised on account of the other country, then such part of the said loan, for the liquidation of which different provisions shall have been made for the respective countries, shall be kept distinct, and shall be borne by each separately, and only that part of the said loan be deemed joint and common, for the reduction of which the respective countries shall have made provision in the proportion of their respective contributions :

That, if at any future day the separate debt of each country respectively shall have been liquidated, or, if the values of their respective debts (estimated according to the amount of the interest and annuities attending the same, and of the Sinking Fund applicable to the reduction thereof, and to the period within which the whole capital of such debt shall appear to be redeemable by such Sinking Fund) shall be to each other in the same proportion with the respective contributions of each country respectively; or if the amount by which the value of the larger of such debts shall vary from such proportion, shall not exceed One hundredth part of the said value; and if it shall appear to the Parliament of the United Kingdom, that the respective circumstances of the two countries will thenceforth admit of their contributing indiscriminately, by equal taxes imposed on the same articles in each, to the future expenditure of the United Kingdom, it shall be competent to the Parliament of the United Kingdom, to declare, that all future expense thenceforth to be incurred, together with the interest and charges of all joint debts contracted previous to such declaration, shall be so defrayed indiscriminately by equal taxes imposed on the same articles in each country, and thenceforth from time to time, as circumstances may require, to impose and apply such taxes accordingly, subject only to such particular exemptions or abatements in Ireland, and in that part of Great Britain called Scotland, as circumstances may appear from time to time to demand: That, from the period of such declaration, it shall no longer be necessary to regulate the contribution of the two countries towards the future expenditure of the United Kingdom, ac-

according to any specific proportion, or according to any of the rules hereinbefore prescribed; provided nevertheless that the interest or charges which may remain on account of any part of the separate debt with which either country shall be chargeable, and which shall not be liquidated or consolidated proportionably as above, shall, until extinguished, continue to be defrayed by separate taxes in each country: That a sum not less than the sum which has been granted by the Parliament of Ireland on the average of six years immediately preceding the First day of January in the year One thousand eight hundred, in premiums for the internal encouragement of agriculture or manufactures, or for the maintaining institutions for pious and charitable purposes, shall be applied, for the period of twenty years after the Union, to such local purposes in Ireland, in such manner as the Parliament of the United Kingdom shall direct: That, from and after the First day of January One thousand eight hundred and one, all public revenue arising to the United Kingdom from the territorial dependencies thereof, and applied to the general expenditure of the United Kingdom, shall be so applied in the proportions of the respective contributions of the two countries.

## ARTICLE EIGHTH.

That it be the Eighth Article of Union, that all laws in force at the time of the Union, and all the Courts of Civil and Ecclesiastical Jurisdiction within the respective Kingdoms, shall remain as now by law established within the same, subject only to such alterations and regulations from time to time as circumstances may appear to the Parliament of the

All laws in force at the Union, and all Courts of Jurisdiction within the respective Kingdoms, shall remain subject to such alteration, as may appear proper to the United Parlia-

ment. All Appeals to be finally decided by the Peers of the United Kingdom. There shall remain in Ireland a Court of Admiralty, and Appeals therefrom shall be to the delegates in Chancery there. All laws contrary to the provisions enacted for carrying these Articles into effect to be repealed.

United Kingdom to require ; provided that all writs of error and appeals, depending at the time of the Union, or hereafter to be brought, and which might now be finally decided by the House of Lords of either Kingdom, shall, from and after the Union be finally decided by the House of Lords of the United Kingdom ; and provided that, from and after the Union, there shall remain in Ireland an Instance Court of Admiralty, for the determination of causes civil and maritime only, and that the appeal from sentences of the said Court shall be to His Majesty's Delegates in His Court of Chancery in that part of the United Kingdom called Ireland ; and that all laws at present in force in either Kingdom, which shall be contrary to any of the provisions which may be enacted by any Act for carrying these Articles into effect, be from and after the Union repealed.

And whereas the said Articles having, by Address of the respective Houses of Parliament in Great Britain and Ireland, been humbly laid before His Majesty, His Majesty has been graciously pleased to approve the same ; and to recommend it to His two Houses of Parliament in Great Britain and Ireland to consider of such measures as may be necessary for giving effect to the said Articles : In order, therefore, to give full effect and validity to the same, be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that the said foregoing recited Articles, each and every one of them, according to the true import and tenor thereof, be ratified, confirmed, and approved, and be and they are hereby declared to be

His Majesty having been pleased to approve of the foregoing Articles, it is enacted, that they shall be the Articles of Union, and be in force for ever, from 1 January 1801 ; provided that before that

the Articles of the Union of Great Britain and Ireland, and the same shall be in force and have effect for ever, from the first day of January which shall be in the Year of Our Lord One thousand eight hundred and one; provided that before that period an Act shall have been passed by the Parliament of Ireland, for carrying into effect, in the like manner, the said foregoing recited Articles.

period an Act shall have been passed in Ireland for carrying them into effect.

II. And whereas an Act, intituled, An Act to regulate the mode by which the Lords Spiritual and Temporal, and the Commons, to serve in the Parliament of the United Kingdom on the part of Ireland, shall be summoned and returned to the said Parliament, has been passed by the Parliament of Ireland; the tenor whereof is as follows: 'An Act to regulate the mode by which the Lords Spiritual and Temporal, and the Commons, to serve in the Parliament of the United Kingdom on the part of Ireland, shall be summoned and returned to the said Parliament. Whereas it is agreed by the Fourth Article of Union that four Lords Spiritual of Ireland, by rotation of sessions, and twenty-eight Lords Temporal of Ireland, elected for life by the Peers of Ireland, shall be the number to sit and vote on the part of Ireland in the House of Lords of the Parliament of the United Kingdom; and one hundred Commoners (two for each county of Ireland, two for the city of Dublin, two for the city of Cork, one for the College of the Holy Trinity of Dublin, and one for each of the thirty-one most considerable cities, towns, and boroughs) be the number to sit and vote on the part of Ireland in the House of Commons of the Parliament of the United Kingdom; be it enacted by the King's most Excellent Majesty, by and with the

Recital of an Act of the Parliament of Ireland, to regulate the mode by which the Lords and the Commons, to serve in the Parliament of the United Kingdom on the part of Ireland, shall be summoned and returned.

‘ advice and consent of the Lords Spiritual and  
‘ Temporal, and Commons, in this present Parlia-  
‘ ment assembled, and by authority of the same,  
‘ that the said four Lords Spiritual shall be taken  
‘ from among the Lords Spiritual of Ireland in the  
‘ manner following; that is to say, that one of the  
‘ four archbishops of Ireland, and three of the  
‘ eighteen bishops of Ireland, shall sit in the House  
‘ of Lords of the United Parliament in each session  
‘ thereof, the said right of sitting being regulated as  
‘ between the said archbishops respectively by a  
‘ rotation among the archiepiscopal sees from session  
‘ to session, and in like manner that of the bishops  
‘ by a like rotation among the episcopal sees; That  
‘ the Primate of all Ireland for the time being shall  
‘ sit in the first Session of the Parliament of the  
‘ United Kingdom, the Archbishop of Dublin for the  
‘ time being in the second, the Archbishop of Cashel  
‘ for the time being in the third, the Archbishop of  
‘ Tuam for the time being in the fourth, and so by  
‘ rotation of sessions for ever, such rotation to pro-  
‘ ceed regularly and without interruption from session  
‘ to session, notwithstanding any dissolution or expi-  
‘ ration of Parliament: That three suffragan bishops  
‘ shall in like manner sit according to rotation of  
‘ their sees, from session to session, in the following  
‘ order: the Lord Bishop of Meath, the Lord Bishop  
‘ of Kildare, the Lord Bishop of Derry, in the first  
‘ Session of the Parliament of the United Kingdom;  
‘ the Lord Bishop of Raphoe, the Lord Bishop of  
‘ Limerick, Ardfer, and Aghadoe, the Lord Bishop  
‘ of Dromore, in the second Session of the Parlia-  
‘ ment of the United Kingdom; the Lord Bishop of  
‘ Elphin, the Lord Bishop of Down and Connor, the

‘ Lord Bishop of Waterford and Lismore, in the third  
‘ Session of the Parliament of the United Kingdom ;  
‘ the Lord Bishop of Leiglin and Ferns, the Lord  
‘ Bishop of Cloyne, the Lord Bishop of Cork and  
‘ Ross, in the fourth Session of the Parliament of  
‘ the United Kingdom ; the Lord Bishop of Killaloe  
‘ and Kilfenora, the Lord Bishop of Kilmore, the  
‘ Lord Bishop of Clogher, in the fifth Session of the  
‘ Parliament of the United Kingdom ; the Lord  
‘ Bishop of Ossory, the Lord Bishop of Killala and  
‘ Achoury, the Lord Bishop of Clonfert and Kilmac-  
‘ duagh, in the Sixth Session of the Parliament of  
‘ the United Kingdom ; the said rotation to be never-  
‘ theless subject to such variation therefrom from  
‘ time to time as is hereinafter provided : that the  
‘ said twenty-eight Lords Temporal shall be chosen  
‘ by all the Temporal Peers of Ireland in the manner  
‘ hereinafter provided : that each of the said twenty-  
‘ eight Lords Temporal shall be chosen by all the Tem-  
‘ poral Peers of Ireland in the manner hereinafter  
‘ provided ; that each of the said Lords Temporal so  
‘ chosen shall be entitled to sit in the House of Lords  
‘ of the Parliament of the United Kingdom during  
‘ his life ; and in case of his death or forfeiture of  
‘ any of the said Lords Temporal, the Temporal  
‘ Peers of Ireland shall, in the manner hereinafter  
‘ provided, choose another Peer out of their own  
‘ number to supply the place so vacant. And be it  
‘ enacted, That of the hundred commoners to sit on  
‘ the part of Ireland in the United Parliament, sixty-  
‘ four shall be chosen for the counties, and thirty-six  
‘ for the following cities and boroughs, *videlicet* :  
‘ for each county of Ireland two ; for the city of  
‘ Dublin two ; for the city of Cork two ; for the



‘ College of the Holy Trinity of Dublin one ; for the  
‘ city of Waterford one ; for the city of Limerick  
‘ one ; for the borough of Belfast one ; for the county  
‘ and town of Drogheda one ; for the county and  
‘ town of Carrickfergus one ; for the borough of  
‘ Newry one ; for the city of Kilkenny one ; for the  
‘ city of Londonderry one ; for the town of Galway  
‘ one ; for the borough of Clonmell one ; for the  
‘ town of Wexford one ; for the town of Youghall  
‘ one ; for the town of Bandon Bridge one ; for the  
‘ borough of Armagh one ; for the borough of Dun-  
‘ dalk one ; for the town of Kinsale one ; for the  
‘ borough of Lisburne one ; for the borough of Sligo  
‘ one ; for the borough of Catherlough one ; for the  
‘ borough of Ennis one ; for the borough of Dun-  
‘ garvan one ; for the borough of Downpatrick one ;  
‘ for the borough of Colerain one ; for the town of  
‘ Mallow one ; for the borough of Athlone one ; for  
‘ the town of New Ross one ; for the borough of  
‘ Tralee one ; for the city of Cashel one ; for the  
‘ borough of Dungannon one ; for the borough of  
‘ Portarlinton one ; for the borough of Enniskillen  
‘ one. And be it enacted, That in case of the sum-  
‘ moning of a new Parliament, or if the seat of any  
‘ of the said commoners shall become vacant by death  
‘ or otherwise, then the said counties, cities, or  
‘ boroughs, or any of them, as the case may be, shall  
‘ proceed to a new election ; and that all the other  
‘ towns, cities, corporations, or boroughs, other than  
‘ the aforesaid, shall cease to elect representatives to  
‘ serve in Parliament ; and no meeting shall at any  
‘ time hereafter be summoned, called, convened, or  
‘ held for the purpose of electing any person or  
‘ persons to serve or act, or be considered, as repre-

‘ sentative or representatives of any other place, town,  
‘ city, corporation, or borough, other than the afore-  
‘ said, or as representative or representatives of the  
‘ freemen, freeholders, householders, or inhabitants  
‘ thereof, either in the Parliament of the United  
‘ Kingdom, or elsewhere (unless it shall hereafter be  
‘ otherwise provided by the Parliament of the United  
‘ Kingdom); and every person summoning, calling,  
‘ or holding any such meeting or assembly, or taking  
‘ any part in any such election or pretended election,  
‘ shall, being thereof duly convicted, incur and suffer  
‘ the pains and penalties ordained and provided by  
‘ the Statute of Provision and Præmunire, made in  
‘ the sixteenth year of the Reign of Richard the  
‘ Second. For the due election of the persons to be  
‘ chosen to sit in the respective Houses of the Parlia-  
‘ ment of the United Kingdom on the part of Ireland,  
‘ be it enacted, That on the day following that on  
‘ which the Act for establishing the Union shall  
‘ have received the Royal Assent, the Primate of all  
‘ Ireland, the Lord Bishop of Meath, the Lord  
‘ Bishop of Kildare, and the Lord Bishop of Derry,  
‘ shall be and they are hereby declared to be the  
‘ representatives of the Lords Spiritual of Ireland in  
‘ the Parliament of the United Kingdom for the first  
‘ Session thereof; and that the Temporal Peers of  
‘ Ireland shall assemble at twelve of the clock on  
‘ the same day as aforesaid, in the now accustomed  
‘ place of meeting of the House of Lords of Ireland,  
‘ and shall then and there proceed to elect twenty-  
‘ eight Lords Temporal to represent the Peerage of  
‘ Ireland in the Parliament of the United Kingdom,  
‘ in the following manner; that is to say, the names  
‘ of the Peers shall be called over according to their

‘rank by the Clerk of the Crown, or his deputy, who  
‘shall then and there attend for that purpose; and  
‘each of the said Peers, who, previous to the said  
‘day, and in the present Parliament shall have  
‘actually taken his seat in the House of Lords of Ire-  
‘land, and who shall there have taken the oaths, and  
‘signed the declaration which are or shall be by law  
‘required to be taken and signed by the Lords of the  
‘Parliament of Ireland before they can sit and vote  
‘in the Parliament hereof, shall, when his name is  
‘called, deliver, either by himself or by his proxy  
‘(the name of such proxy having been previously  
‘entered in the books of the House of Lords of  
‘Ireland, according to the present forms and usages  
‘thereof) to the Clerk of the Crown or his deputy  
‘(who shall then and there attend for that purpose),  
‘a list of twenty-eight of the temporal peers of  
‘Ireland; and the Clerk of the Crown or his deputy  
‘shall then and there publicly read the said lists,  
‘and shall then and there cast up the said lists, and  
‘publicly declare the names of the twenty-eight  
‘lords who shall be chosen by the majority of votes  
‘in the said lists, and shall make a return of the  
‘said names to the House of Lords of the First  
‘Parliament of the United Kingdom; and the twenty-  
‘eight lords so chosen by the majority of votes in  
‘the said lists shall, during their respective lives,  
‘sit as representatives of the peers of Ireland in the  
‘House of Lords of the United Kingdom, and be  
‘entitled to receive writs of summons to that and  
‘every succeeding Parliament; and in case a com-  
‘plete election shall not be made of the whole  
‘number of twenty-eight peers, by reason of an  
‘equality of votes, the Clerk of the Crown shall

' return such number in favour of whom a complete  
' election shall have been made in one list, and in a  
' second list shall return the names of those peers  
' who shall have an equality of votes, but in favour  
' of whom, by reason of such equality, a complete  
' election shall not have been made, and the names  
' of the peers in the second list, for whom an equal  
' number of votes shall have been so given, shall be  
' written on pieces of paper of a similar form, and  
' shall be put into a glass by the Clerk of the Parlia-  
' ment of the United Kingdom at the Table of the  
' House of Lords thereof, whilst the House is sitting,  
' and the peer whose name shall be first drawn out  
' by the Clerk of the Parliament, shall be deemed  
' the peer elected; and so successively as often as  
' the case may require; and whenever the seat of  
' any of the twenty-eight lords temporal so elected  
' shall be vacated by decease or forfeiture, the Chan-  
' cellor, the Keeper or Commissioners of the Great  
' Seal of the United Kingdom for the time being,  
' upon receiving a certificate under the hand and  
' seal of any two lords temporal of the Parliament of  
' the United Kingdom, certifying the decease of such  
' peer, or on view of the record of attainder of such  
' peer, shall direct a writ to be issued under the  
' Great Seal of the United Kingdom, to the Chan-  
' cellor, the Keeper or Commissioners of the Great  
' Seal of Ireland for the time being, directing him or  
' them to cause writs to be issued, by the Clerk of  
' the Crown in Ireland, to every temporal peer of  
' Ireland, who shall have sat and voted in the House  
' of Lords of Ireland before the Union, or whose  
' right to sit and vote therein, or to vote at such  
' elections, shall, on claim made on his behalf, have

‘ been admitted by the House of Lords of Ireland  
‘ before the Union, or after the Union by the House  
‘ of Lords of the United Kingdom ; and notice shall  
‘ forthwith be published by the said Clerk of the  
‘ Crown, in the London and Dublin Gazettes, of the  
‘ issuing of such writs, and of the names and titles  
‘ of all the peers to whom the same are directed ;  
‘ and to the said writs there shall be annexed a form  
‘ of return thereof, in which a blank shall be left for  
‘ the name of the peer to be elected, and the said  
‘ writs shall enjoin each peer within fifty-two days  
‘ from the teste of the writ, to return the same into  
‘ the Crown Office of Ireland with the blank filled  
‘ up, by inserting the name of the peer for whom he  
‘ shall vote, as the peer to succeed to the vacancy  
‘ made by the demise or forfeiture as aforesaid ; and  
‘ the said writs and returns shall be bipartite, so as  
‘ that the name of the peer to be chosen shall be  
‘ written twice ; that is, once on each part of such  
‘ writ and return, and so as that each part may also  
‘ be subscribed by the peer to whom the same shall  
‘ be directed, and likewise be sealed with his seal of  
‘ arms ; and one part of the said writs and returns  
‘ so filled up, subscribed and sealed as above, shall  
‘ remain of record in the Crown Office of Ireland,  
‘ and the other part shall be certified by the Clerk  
‘ of the Crown to the Clerk of the Parliament of the  
‘ United Kingdom ; and no peer of Ireland, except  
‘ such as shall have been elected as representative  
‘ peers on the part of Ireland in the House of Lords  
‘ of the United Kingdom, and shall there have taken  
‘ the oaths, and signed the declaration prescribed by  
‘ law, shall, under pain of suffering such punishment  
‘ as the House of Lords of the United Kingdom may

‘ award and adjudge, make a return to such writ,  
‘ unless he shall, after the issuing thereof, and before  
‘ the day on which the writ is returnable, have taken  
‘ the oaths and signed the declaration which are or  
‘ shall be by law required to be taken and signed by  
‘ the Lords of the United Kingdom, before they can  
‘ sit and vote in the Parliament thereof; which  
‘ oaths and declaration shall be either taken and  
‘ subscribed in the Court of Chancery of Ireland, or  
‘ before one of His Majesty’s justices of the peace of  
‘ that part of the United Kingdom called Ireland, a  
‘ certificate whereof, signed by such justices of the  
‘ peace, or by the register of the said Court of  
‘ Chancery, shall be transmitted by such peer with  
‘ the return, and shall be annexed to that part there-  
‘ of remaining of record in the Crown Office of  
‘ Ireland; and the Clerk of the Crown shall forth-  
‘ with after the return day of the writs, cause to be  
‘ published in the London and Dublin Gazettes, a  
‘ notice of the name of the person chosen by the  
‘ majority of votes; and the peer so chosen shall  
‘ during his life be one of the peers to sit and vote  
‘ on the part of Ireland in the House of Lords of the  
‘ United Kingdom; and in case the votes shall be  
‘ equal, the names of such persons who have an  
‘ equal number of votes in their favour, shall be  
‘ written on pieces of paper of a similar form, and  
‘ shall be put into a glass by the Clerk of the Parlia-  
‘ ment of the United Kingdom, at the Table of the  
‘ House of Lords, whilst the House is sitting, and  
‘ the peer whose name shall be first drawn out by  
‘ the Clerk of the Parliament shall be deemed the  
‘ peer elected. And be it enacted, that in case any  
‘ lord spiritual, being a temporal peer of the United

‘ Kingdom, or being a temporal peer of that part of  
‘ the United Kingdom called Ireland, shall be chosen  
‘ by the lords temporal to be one of the representa-  
‘ tives of the lords temporal, in every such case,  
‘ during the life of such spiritual peer, being a  
‘ temporal peer of the United Kingdom, or being a  
‘ temporal peer of that part of the United Kingdom  
‘ called Ireland, so chosen to represent the lords  
‘ temporal, the rotation of representation of the  
‘ spiritual lords shall proceed to the next spiritual  
‘ lord, without regard to such spiritual lord so  
‘ chosen a temporal peer; that is to say, if such  
‘ spiritual lord shall be an archbishop, then the  
‘ rotation shall proceed to the archbishop whose see  
‘ is next in rotation, and if such spiritual lord shall  
‘ be a suffragan bishop, then the rotation shall pro-  
‘ ceed to the suffragan bishop whose see is next in  
‘ rotation. And whereas by the said Fourth Article  
‘ of Union it is agreed, that, if His Majesty shall,  
‘ on or before the 1st day of January next, declare  
‘ under the Great Seal of Great Britain, that it is ex-  
‘ pedient that the Lords and Commons of the present  
‘ Parliament of Great Britain should be the Members  
‘ of the respective Houses of the First Parliament  
‘ of the United Kingdom on the part of Great  
‘ Britain, then the Lords and Commons of the pre-  
‘ sent Parliament of Great Britain shall accordingly  
‘ be the Members of the respective Houses of the  
‘ First Parliament of the United Kingdom on the  
‘ part of Great Britain; be it enacted, for and in  
‘ that case only, that the present Members of the  
‘ thirty-two counties of Ireland, and the two Mem-  
‘ bers for the City of Dublin, and the two Members  
‘ for the City of Cork, shall be, and they are hereby

‘ declared to be, by virtue of this Act, Members for  
‘ the said counties and cities in the First Parliament  
‘ of the United Kingdom ; and that on a day and  
‘ hour to be appointed by His Majesty under the  
‘ Great Seal of Ireland, previous to the said First  
‘ day of January One thousand Eight hundred and  
‘ One, the Members then serving for the College of  
‘ the Holy Trinity of Dublin, and for each of the  
‘ following cities or boroughs ; that is to say, the  
‘ city of Waterford, city of Limerick, borough of  
‘ Belfast, county and town of Drogheda, county and  
‘ town of Carrickfergus, borough of Newry, city of  
‘ Kilkenny, city of Londonderry, town of Galway,  
‘ borough of Clonmell, town of Wexford, town of You-  
‘ ghall, town of Bandon Bridge, borough of Armagh,  
‘ borough of Dundalk, town of Kinsale, borough of  
‘ Lisburne, borough of Sligo, borough of Cather-  
‘ lough, borough of Ennis, borough of Downpatrick,  
‘ borough of Colerain, town of Mallow, borough of  
‘ Athlone, town of New Ross, borough of Tralee,  
‘ city of Cashel, borough of Dungannon, borough of  
‘ Portarlinton, and borough of Enniskillen, or any  
‘ five or more of them, shall meet in the now usual  
‘ place of meeting of the House of Commons of  
‘ Ireland, and the names of the Members then serv-  
‘ ing for the said places and boroughs, shall be  
‘ written on separate pieces of paper, and the said  
‘ papers being folded up, shall be placed in a glass  
‘ or glasses, and shall successively be drawn thereout  
‘ by the Clerk of the Crown, or his deputy, who  
‘ shall then and there attend for that purpose ; and  
‘ the first drawn name of a Member of each of the  
‘ aforesaid places or boroughs shall be taken as  
‘ the name of the Member to serve for the said



‘ place or borough in the First Parliament of the  
‘ United Kingdom ; and a return of the said names  
‘ shall be made by the Clerk of the Crown, or his  
‘ Deputy, to the House of Commons of the First  
‘ Parliament of the United Kingdom, and a cer-  
‘ tificate thereof shall be given respectively by the  
‘ said Clerk of the Crown, or his Deputy, to each  
‘ of the Members whose names shall have been so  
‘ drawn : Provided always, that it may be allowed to  
‘ any Member of any of the said places or boroughs,  
‘ by personal application, to be then and there made  
‘ by him to the Clerk of the Crown, or his Deputy,  
‘ or by declaration in writing, under his hand, to be  
‘ transmitted by him to the Clerk of the Crown pre-  
‘ vious to the said day so appointed as above, to  
‘ withdraw his name previous to the drawing of the  
‘ names by lot ; in which case, or in that of a vacancy  
‘ by death or otherwise of one of the Members of any  
‘ of the said places or boroughs, at the time of so  
‘ drawing the names, the name of the other Member  
‘ shall be returned as aforesaid as the name of the  
‘ Member to serve for such place in the First Parlia-  
‘ ment of the United Kingdom ; or if both Members  
‘ for any such place or borough shall so withdraw  
‘ their names, or if there shall be a vacancy of both  
‘ Members at the time aforesaid, the Clerk of the  
‘ Crown shall certify the same to the House of Com-  
‘ mons of the First Parliament of the United Kingdom,  
‘ and shall also express, in such Return, whether  
‘ any writ shall then have issued for the election of  
‘ a Member or Members to supply such vacancy ;  
‘ and, if a writ shall so have issued for the election  
‘ of one Member only, such writ shall be superseded,  
‘ and any election to be thereafter made thereupon

‘ shall be null and of no effect ; and if such writ  
‘ shall have issued for the election of two Members,  
‘ the said two Members shall be chosen accordingly,  
‘ and their names being returned by the Clerk of the  
‘ Crown to the House of Commons of the Parliament  
‘ of the United Kingdom, one of the said names shall  
‘ then be drawn, by lot, in such manner and time as  
‘ the said House of Commons shall direct ; and the  
‘ person whose name shall be so drawn shall be  
‘ deemed to be the Member to sit for such place in  
‘ the First Parliament of the United Kingdom ; but  
‘ if, at the time aforesaid, no writ shall have issued  
‘ to supply such vacancy, none shall thereafter issue  
‘ until the same be ordered by Resolution of the  
‘ House of Commons of the Parliament of the United  
‘ Kingdom, as in the case of any other vacancy of a  
‘ seat in the House of Commons of the Parliament  
‘ of the United Kingdom. And be it enacted, that  
‘ whenever His Majesty, his heirs and successors,  
‘ shall, by proclamation under the Great Seal of the  
‘ United Kingdom, summon a new Parliament of the  
‘ United Kingdom of Great Britain and Ireland, the  
‘ Chancellor, Keeper, or Commissioners of the Great  
‘ Seal of Ireland shall cause writs to be issued to the  
‘ several counties, cities, the College of the Holy  
‘ Trinity of Dublin, and boroughs in that part of the  
‘ United Kingdom called Ireland, specified in this  
‘ Act, for the election of Members to serve in the  
‘ Parliament of the United Kingdom, according to  
‘ the numbers hereinbefore set forth ; and whenever  
‘ any vacancy of a seat in the House of Commons of  
‘ the Parliament of the United Kingdom for any of  
‘ the said counties, cities, or boroughs, or for the said  
‘ College of the Holy Trinity of Dublin, shall arise,

‘ by death or otherwise, the Chancellor, Keeper, or  
 ‘ Commissioners of the Great Seal, upon such vacancy  
 ‘ being certified to them respectively, by the proper  
 ‘ warrant, shall forthwith cause a writ to issue for  
 ‘ the election of a person to fill up such vacancy ;  
 ‘ and such writs and the Returns thereon, respec-  
 ‘ tively, being returned into the Crown Office in that  
 ‘ part of the United Kingdom called Ireland, shall  
 ‘ from thence be transmitted to the Crown Office in  
 ‘ that part of the United Kingdom called England ;  
 ‘ and be certified to the House of Commons in the  
 ‘ same manner as the like Returns have been usually  
 ‘ or shall hereafter be certified ; and copies of the  
 ‘ said writs and Returns, attested by the Chancellor,  
 ‘ Keeper, or Commissioners of the Great Seal of  
 ‘ Ireland for the time being, shall be preserved in  
 ‘ the Crown Office of Ireland, and shall be evidence  
 ‘ of such writs and Returns, in case the original  
 ‘ writs and Returns shall be lost ;’ be it enacted,  
 that the said Act, so herein recited, be taken as a  
 part of this Act, and be deemed to all intents and  
 purposes incorporated within the same.

Recited Act to  
 be taken as a  
 part of this Act.

The Great Seal  
 of Ireland may,  
 if His Majesty  
 shall think fit,  
 after the Union,  
 be used there in  
 like manner as  
 before, except  
 where otherwise  
 provided by the  
 foregoing Arti-  
 cles ; and His  
 Majesty may  
 continue the  
 Privy Council  
 of Ireland.

III. And be it enacted, that the Great Seal of  
 Ireland may, if His Majesty shall so think fit, after  
 the Union, be used in like manner as before the  
 Union, except where it is otherwise provided by the  
 foregoing articles, within that part of the United  
 Kingdom called Ireland ; and that His Majesty may,  
 so long as he shall think fit, continue the Privy  
 Council of Ireland to be his Privy Council for that  
 part of the United Kingdom called Ireland.

## II.

## GOVERNMENT OF IRELAND BILL.

A BILL TO AMEND THE PROVISION FOR  
THE FUTURE GOVERNMENT OF IRELAND.

A.D.  
1886.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same as follows :

## PART I.

*Legislative Authority.*

1. On and after the appointed day there shall be established in Ireland a Legislature consisting of Her Majesty the Queen and an Irish Legislative Body.

Establishment of  
Irish Legislature.

2. With the exceptions and subject to the restriction in this Act mentioned, it shall be lawful for Her Majesty the Queen, by and with the advice of the Irish Legislative Body, to make laws for the peace, order, and good government of Ireland, and by any such law to alter and repeal any law in Ireland.

Powers of  
Irish  
Legislature.

3. The Legislature of Ireland shall not make laws relating to the following matters or any of them :—

Exceptions  
from powers  
of Irish  
Legislature.

(1.) The status or dignity of the Crown, or the succession to the Crown, or a Regency ;

- (2.) The making of peace or war ;
- (3.) The army, navy, militia, volunteers, or other military or naval forces, or the defence of the realm ;
- (4.) Treaties and other relations with foreign States, or the relations between the various parts of Her Majesty's dominions ;
- (5.) Dignities or titles of honour ;
- (6.) Prize or booty of war ;
- (7.) Offences against the law of nations : or offences committed in violation of any treaty made, or hereafter to be made, between Her Majesty and any foreign State ; or offences committed on the high seas ;
- (8.) Treason, alienage, or naturalization ;
- (9.) Trade, navigation, or quarantine ;
- (10.) The postal and telegraph service, except as hereafter in this Act mentioned with respect to the transmission of letters and telegrams in Ireland ;
- (11.) Beacons, lighthouses, or sea marks ;
- (12.) The coinage ; the value of foreign money ; legal tender ; or weights and measures ; or
- (13.) Copyright, patent rights or other exclusive rights to the use or profits of any works or inventions. Any law made in contravention of this section shall be void.

Restrictions  
on powers  
of Irish  
Legislature.

#### 4. The Irish Legislature shall not make any law—

- (1.) Respecting the establishment or endowment of religion, or prohibiting the free exercise thereof ; or
- (2.) Imposing any disability, or conferring any privilege, on account of religious belief ; or
- (3.) Abrogating or derogating from the right to establish or maintain any place of denominational education or any denominational institution or charity ; or
- (4.) Prejudicially affecting the right of any child to

attend a school receiving public money without attending the religious instruction at that school ; or

(5.) Impairing, without either the leave of Her Majesty in Council first obtained on an address presented by the Legislative Body of Ireland, or the consent of the corporation interested, the rights, property, or privileges of any existing corporation incorporated by royal charter or local and general Act of Parliament ; or

(6.) Imposing, or relating to duties of customs and duties of excise, as defined by this Act, or in either of such duties, or affecting any Act relating to such duties or either of them ; or

(7.) Affecting this Act, except in so far as it is declared to be alterable by the Irish Legislature.

5. Her Majesty the Queen shall have the same prerogatives with respect to summoning, proroguing, and dissolving the Irish Legislative Body as Her Majesty has with respect to summoning, proroguing, and dissolving the Imperial Parliament.

Prerogatives of Her Majesty as to Irish Legislative Body.

6. The Irish Legislative Body whenever summoned may have continuance for *five years* and no longer, to be reckoned from the day on which any such Legislative Body is appointed to meet.

Duration the Irish Legislative Body.

### *Executive Authority.*

7.—(1.) The Executive Government of Ireland shall continue vested in Her Majesty, and shall be carried on by the Lord Lieutenant on behalf of Her Majesty with the aid of such officers and such council as to Her Majesty may from time to time seem fit.

Constitution of the Executive Authority.

(2.) Subject to any instructions which may from time to time be given by Her Majesty, the Lord Lieutenant shall give or withhold the assent of Her Majesty

to Bills passed by the Irish Legislative Body, and shall exercise the prerogatives of Her Majesty in respect of the summoning, proroguing, and dissolving of the Irish Legislative Body, and any prerogatives the exercise of which may be delegated to him by Her Majesty.

Use of  
Crown lands  
by Irish  
Govern-  
ment.

8. Her Majesty may, by Order in Council, from time to time place under the control of the Irish Government, for the purposes of that Government, any such lands and buildings in Ireland as may be vested in or held in trust for Her Majesty.

*Constitution of Legislative Body.*

Constitution  
of Irish  
Legislative  
Body.

9.—(1.) The Irish Legislative Body shall consist of a first and second order.

(2.) The two orders shall deliberate together, and shall vote together, except that, if any question arises in relation to legislation or to the Standing Orders or Rules of Procedure or to any other matter in that behalf in this Act specified, and such question is to be determined by vote, each order shall, if a majority of the members present of either order demand a separate vote, give their votes in like manner as if they were separate Legislative Bodies; and if the result of the voting of the two orders does not agree the question shall be resolved in the negative.

First order.

10.—(1.) The first order of the Irish Legislative Body shall consist of one hundred and three members, of whom seventy-five shall be elective members and twenty-eight peerage members.

(2.) Each elective member shall at the date of his election and during his period of membership be bonâ fide possessed of property which—

(a.) if realty, or partly realty and partly personalty,

yields two hundred pounds a year or upwards, free of all charges; or

(b.) if personally, yields the same income, or is of the capital value of four thousand pounds or upwards, free of all charges.

(8.) For the purpose of electing the elective members of the first order of the Legislative Body, Ireland shall be divided into the electoral districts specified in the First Schedule to this Act, and each such district shall return the number of members in that behalf specified in that Schedule.

(4.) The elective members shall be elected by the registered electors of each electoral district, and for that purpose a register of electors shall be made annually.

(5.) An elector in each electoral district shall be qualified as follows, that is to say, he shall be of full age, and not subject to any legal incapacity, and shall have been during the twelve months next preceding the *twentieth day of July* in any year the owner or occupier of some land or tenement within the district of a net annual value of twenty-five pounds or upwards.

(6.) The term of office of an elective member shall be *ten years*.

(7.) In every fifth year thirty-seven or thirty-eight of the elective members, as the case requires, shall retire from office, and their places shall be filled by election; the members to retire shall be those who have been members for the longest time without re-election.

(8.) The offices of the peerage members shall be filled as follows; that is to say—

(a.) Each of the Irish peers who on the appointed day is one of the twenty-eight Irish representative peers shall on giving his written assent to the Lord Lieutenant, become a peerage member of



the first order of the Irish Legislative Body ; and if at any time within *thirty years* after the appointed day any such peer vacates his office by death or resignation, the vacancy shall be filled by the election to that office by the Irish peers of one of their number in manner heretofore in use respecting the election of Irish representative peers subject to adaptation as provided by this Act, and if the vacancy is not so filled within the proper time it shall be filled by the election of an elective member.

- (b.) If any of the twenty-eight peers aforesaid does not within *one month* after the appointed day give such assent to be a peerage member of the first order, the vacancy so created shall be filled up as if he had assented and vacated his office by resignation.

(9.) A peerage member shall be entitled to hold office during his life, or until the expiration of *thirty years* from the appointed day, whichever period is the shortest. At the expiration of such *thirty years* the offices of all the peerage members shall be vacated as if they were dead, and their places shall be filled by elective members qualified and elected in manner provided by this Act with respect to elective members of the first order, and such elective members may be distributed by the Irish Legislature among the electoral districts, so, however, that care shall be taken to give additional members to the most populous places.

(10.) The offices of members of the first order shall not be vacated by the dissolution of the Legislative Body.

(11.) The provisions in the Second Schedule to this Act relating to members of the first order of the Legis-

lative Body shall be of the same force as if they were enacted in the body of this Act.

11.—(1.) Subject as in this section hereafter mentioned, the second order of the Legislative Body shall consist of two hundred and four members. Second order.

(2.) The members of the second order shall be chosen by the existing constituencies of Ireland, two by each constituency, with the exception of the city of Cork, which shall be divided into two divisions in manner set forth in the Third Schedule to this Act, and two members shall be chosen by each of such divisions.

(3.) Any person who on the appointed day, is a member representing an existing Irish constituency in the House of Commons shall, on giving his written assent to the Lord Lieutenant, become a member of the second order of the Irish Legislative Body as if he had been elected by the constituency which he was representing in the House of Commons. Each of the members for the city of Cork, on the said day, may elect for which of the divisions of that city he wishes to be deemed to have been elected.

(4.) If any member does not give such written assent within *one month* after the appointed day, his place shall be filled by election in the same manner and at the same time as if he had assented and vacated his office by death.

(5.) If the same person is elected to both orders, he shall, within *seven days* after the meeting of the Legislative Body, or if the Body is sitting at the time of the election, within *seven days* after the election, elect in which order he will serve, and his membership of the other order shall be void and be filled by a fresh election.

(6.) Notwithstanding anything in this Act, it shall be lawful for the Legislature of Ireland at any time to pass an Act enabling the Royal University of Ireland to return not more than two members to the second order of the Irish Legislative Body in addition to the number of members above mentioned.

(7.) Notwithstanding anything in this Act, it shall be lawful for the Irish Legislature, after the first dissolution of the Legislative Body which occurs, to alter the constitution or election of the second order of that body, due regard being had in the distribution of members to the population of the constituencies; provided that no alteration shall be made in the number of such order.

#### *Finance.*

Taxes and  
separate  
Consolidated Fund.

12.—(1.) For the purpose of providing for the public service of Ireland the Irish Legislature may impose taxes, other than duties of customs or excise as defined by this Act, which duties shall continue to be imposed and levied by and under the direction of the Imperial Parliament only.

(2.) On and after the appointed day there shall be an Irish Consolidated Fund separate from the Consolidated Fund of the United Kingdom.

(3.) All taxes imposed by the Legislature of Ireland and all other public revenues under the control of the Government of Ireland shall, subject to any provisions touching the disposal thereof contained in any Act passed in the present session respecting the sale and purchase of land in Ireland, be paid into the Irish Consolidated Fund, and be appropriated to the public service of Ireland according to law.

13.—(1.) Subject to the provisions for the reduction

or cesser thereof in this section mentioned, there shall be made on the part of Ireland to the Consolidated Fund of the United Kingdom the following annual contributions in every financial year ; that is to say—

Annual contributions from Ireland to Consolidated Fund of United Kingdom.

(a.) The sum of *one million four hundred and sixty-six thousand pounds* on account of the interest on and management of the Irish share of the National Debt :

(b.) The sum of *one million six hundred and sixty-six thousand pounds* on account of the expenditure on the army and navy of the United Kingdom :

(c.) The sum of *one hundred and ten thousand pounds* on account of the Imperial civil expenditure of the United Kingdom :

(d.) The sum of *one million pounds* on account of the Royal Irish Constabulary and the Dublin Metropolitan Police.

(2.) During the period of *thirty* years from this section taking effect the said annual contributions shall not be increased, but may be reduced or cease as hereinafter mentioned. After the expiration of the said *thirty* years the said contributions shall, save as otherwise provided by this section, continue until altered in manner provided with respect to the alteration of this Act.

(8.) The Irish share of the National Debt shall be reckoned at *forty-eight million pounds* Bank annuities, and there shall be paid in every financial year on behalf of Ireland to the Commissioners for the Reduction of the National Debt an annual sum of *three hundred and sixty thousand pounds*, and the permanent annual charge for the National Debt on the Consolidated Fund of the United Kingdom shall be reduced by that amount, and the said annual sum shall be applied by the said Commissioners as a sinking fund for the redemption of

the National Debt, and the Irish share of the National Debt shall be reduced by the amount of the National Debt so redeemed, and the said annual contribution on account of the interest on and management of the Irish share of the National Debt shall from time to time be reduced by a sum equal to the interest upon the amount of the National Debt from time to time so redeemed, but that last-mentioned sum shall be paid annually to the Commissioners for the Reduction of the National Debt in addition to the above-mentioned annual sinking fund, and shall be so paid and be applied as if it were part of that sinking fund.

(4.) As soon as an amount of the National Debt equal to the said Irish share thereof has been redeemed under the provisions of this section, the said annual contribution on account of the interest on and management of the Irish share of the National Debt, and the said annual sum for a sinking fund, shall cease.

(5.) If it appears to Her Majesty that the expenditure in respect of the army and navy of the United Kingdom, or in respect of Imperial civil expenditure of the United Kingdom, for any financial year has been less than *fifteen* times the amount of the contributions above named on account of the same matter, a sum equal to *one fifteenth* part of the diminution shall be deducted from the current annual contribution for the same matter.

(6.) The sum paid from time to time by the Commissioners of Her Majesty's Woods, Forests, and Land Revenues to the Consolidated Funds of the United Kingdom on account of the hereditary revenues of the Crown in Ireland shall be credited to the Irish Government, and go in reduction of the said annual contribution payable on account of the imperial civil expenditure

of the United Kingdom, but shall not be taken into account in calculating whether such diminution as above mentioned has or has not taken place in such expenditure.

(7.) If it appears to Her Majesty that the expenditure in respect of the Royal Irish Constabulary and the Dublin Metropolitan Police for any financial year has been less than the contribution above named on account of such constabulary and police, the current contribution shall be diminished by the amount of such difference.

(8.) This section shall take effect from and after the *thirty-first day of March one thousand eight hundred and eighty-seven.*

14.—(1.) On and after such day as the Treasury may direct all moneys from time to time collected in Ireland on account of the duties of customs or the duties of excise as defined by this Act shall, under such regulations as the Treasury from time to time make, be carried to a separate account (in this Act referred to as the customs and excise account) and applied in the payment of the following sums in priority as mentioned in this section ; that is to say—

Collection and application of customs and excise duties in Ireland.

First, of such sum as is from time to time directed by the Treasury in respect of the costs, charges, and expenses of and incident to the collection and management of the said duties in Ireland not exceeding four per cent. of the amount collected there ;

Secondly, of the annual contributions required by this Act to be made to the Consolidated Fund of the United Kingdom ;

Thirdly, of the annual sums required by this Act to

be paid to the Commissioners for the Reduction of the National Debt ;

Fourthly, of all sums by this Act declared to be payable out of the moneys carried to the customs and excise account ;

Fifthly, of all sums due to the Consolidated Fund of the United Kingdom for interest or sinking fund, in respect of any loans made by the issue of bank annuities or otherwise to the Government of Ireland under any Act passed in the present session relating to the purchase and sale of land in Ireland, so far as such sums are not defrayed out of the moneys received under such Act ;

(2.) So much of the moneys carried to a separate account under this section as the Treasury consider are not, and are not likely to be, required to meet the above-mentioned payments, shall from time to time be paid over and applied as part of the public revenues under the control of the Irish Government.

Charges on  
Irish Con-  
solidated  
Fund.

15.—(1.) There shall be charged on the Irish Consolidated Fund in priority as mentioned in this section—

First, such portion of the sums directed by this Act to be paid out of the moneys carried to the customs and excise account in priority to any payment for the public revenues of Ireland as those moneys are insufficient to pay ;

Secondly, all sums due in respect of any debt incurred by the Government of Ireland, whether for interest management, or sinking fund ;

Thirdly, all sums which at the passing of this Act are charged on the Consolidated Fund of the

United Kingdom in respect of Irish services other than the salary of the Lord Lieutenant ;

Fourthly, the salaries of all judges of the Supreme Court of Judicature or other superior court in Ireland, or of any county or other like court, who are appointed after the passing of this Act, and the pensions of such judges ;

Fifthly, any other sums charged by this Act on the Irish Consolidated Fund.

(2.) It shall be the duty of the Legislature of Ireland to impose all such taxes, duties, or imposts as will raise a sufficient revenue to meet all sums charged for the time being on the Irish Consolidated Fund.

16. (1.) Until all charges which are payable out of the Church property in Ireland, and are guaranteed by the Treasury, have been fully paid, the Irish Land commission shall continue as heretofore to exist, with such Commissioners and officers receiving such salaries as the Treasury may from time to time appoint, and to administer the Church property and apply the income and other moneys receivable therefrom ; and so much of the salaries of such Commissioners and officers and expenses of the office as is not paid out of the Church property shall be paid out of moneys carried to the customs and excise account under this Act, and if those moneys are insufficient, out of the Consolidated Fund of Ireland, and if not so paid, shall be paid out of moneys provided by Parliament.

Irish Church  
Fund.

Provided as follows :

(a.) All charges on the Church property for which a guarantee has been given by the Treasury before the passing of this Act shall, so far as they are not



paid out of such property, be paid out of the moneys carried to the Customs and Excise account under this Act, and if such moneys are insufficient, the Consolidated Fund of Ireland, without prejudice nevertheless to the guarantee of the Treasury ;

- (b.) All charges on the Church property, for which no guarantee has been given by the Treasury before the passing of this Act, shall be charged on the Consolidated Fund of Ireland, but shall not be guaranteed by the Treasury nor charged on the Consolidated Fund of the United Kingdom.

(2.) Subject to any existing charges on the Church property, such property shall belong to the Irish Government and any portion of the annual revenue thereof which the Treasury, on the application of the Irish Government, certify at the end of any financial year not to be required for meeting charges, shall be paid over and applied as part of the public revenues under the control of the Irish Government.

(8.) As soon as all charges on the Church property guaranteed by the Treasury have been paid, such property may be managed and administered, and subject to existing charges thereon disposed of, and the income or proceeds thereof applied, in such manner as the Irish Legislature may from time to time direct.

32 & 33 Vict.  
c. 42.  
44 & 45 Vict.  
c. 71.

(4.) "Church property" in this section means all property accruing under the Irish Church Act, 1869, and transferred to the Irish Land Commission by the Irish Church Act Amendment Act, 1881.

Public  
loans.

17.—(1.) All sums due for principal or interest to the Public Works Loan Commissioners or to the Commissioners of Public Works in Ireland in respect of existing loans advanced on any security in Ireland shall

on and after the appointed day be due to the Government of Ireland instead of the said Commissioners, and such body of persons as the Government of Ireland may appoint for the purpose shall have all the powers of the said Commissioners or their secretary for enforcing payment of such sums, and all securities for such sums given to such Commissioners or their secretary shall have effect as if the said body were therein substituted for those Commissioners or their secretary.

(2.) For the repayment of the said loans to the Consolidated Fund of the United Kingdom the Irish Government shall pay annually into that fund by half-yearly payments on the *first day of January* and the *first day of July*, or on such other days as may be agreed on, such instalments of the principal of the said loans as will discharge all the loans within *thirty years* from the appointed day, and shall also pay interest half yearly on so much of the said principal as from time to time remains unpaid at the rate of *three* per cent. per annum, and such instalments of principal and interest shall be paid out of the moneys carried to the customs and excise account under this Act, and if those are insufficient out of the Consolidated Fund of Ireland.

18. If Her Majesty declares that a state of war exists and is pleased to signify such declaration to the Irish Legislative Body by speech or message, it shall be lawful for the Irish Legislature to appropriate a further sum out of the Consolidated Fund of Ireland in aid of the army or navy, or other measures which Her Majesty may take for the prosecution of the war and defence of the realm, and to provide and raise money for that purpose; and all moneys so provided and raised, whether by loan, taxation, or otherwise, shall be paid into the Consolidated Fund of the United Kingdom.

Additional  
aid in case  
of war.

Money bills  
and votes.

19.—(1.) It shall not be lawful for the Irish Legislative Body to adopt or pass any vote, resolution, address, or Bill for the raising or appropriation for any purpose of any part of the public revenue of Ireland, or of any tax, duty, or impost, except in pursuance of a recommendation from Her Majesty signified through the Lord Lieutenant in the session in which such vote, resolution, address, or Bill is proposed.

(2.) Notwithstanding that the Irish Legislature is prohibited by this Act from making laws relating to certain subjects, that Legislature may, with the assent of Her Majesty in Council first obtained, appropriate any part of the Irish public revenue, or any tax, duty, or impost imposed by such Legislature, for the purpose of, or in connexion with, such subjects.

Exchequer  
Division and  
revenue  
actions.

20.—(1.) On and after the appointed day, the Exchequer Division of the High Court of Justice shall continue to be a Court of Exchequer for revenue purposes under this Act, and whenever any vacancy occurs in the office of any judge of such Exchequer Division, his successor shall be appointed by Her Majesty on the joint recommendation of the Lord Lieutenant of Ireland and the Lord High Chancellor of Great Britain.

(2.) The judges of such Exchequer Division appointed after the passing of this Act shall be removable only by Her Majesty on address from the two Houses of the Imperial Parliament, and shall receive the same salaries and pensions as those payable at the passing of this Act to the existing judges of such division, unless with the assent of Her Majesty in Council first obtained, the Irish Legislature alters such salaries or pensions, and such salaries and pensions shall be paid out of the moneys carried to the customs and excise account in

pursuance of this Act, and if the same are insufficient shall be paid out of the Irish Consolidated Fund, and if not so paid shall be paid out of the Consolidated Fund of the United Kingdom.

(3.) An alteration of any rules relating to the procedure in such legal proceedings as are mentioned in this section shall not be made except with the approval of the Lord High Chancellor of Great Britain, and the sittings of the Exchequer division and the judges thereof shall be regulated with the like approval.

(4.) All legal proceedings instituted in Ireland by or against the Commissioners or any officers of customs or excise, or the Treasury, shall, if so required by any party to such proceedings, be heard and determined before the judges of such Exchequer division, or some or one of them, and any appeal from the decision in any such legal proceeding, if by a judge, shall lie to the said division, and if by the Exchequer division, shall lie to the House of Lords, and not to any other tribunal; and if it is made to appear to such judges, or any of them, that any decree or judgment in any such proceeding as aforesaid, has not been duly enforced by the sheriff or other officer whose duty it is to enforce the same, such judges or judge shall appoint some officer to enforce such judgment or decree; and it shall be the duty of such officer to take proper steps to enforce the same, and for that purpose such officer and all persons employed by him shall be entitled to the same immunities, powers, and privileges as are by law conferred on a sheriff and his officers.

(5.) All sums recovered in respect of duties of Customs and Excise, or under any Act relating thereto, or by an officer of Customs or Excise, shall, notwithstanding anything in any other Act, be paid to the Treasury,

and carried to the Customs and Excise account under this Act.

*Police.*

Police.

21. The following regulations shall be made with respect to police in Ireland :

(a.) The Dublin Metropolitan Police shall continue and be subject as heretofore to the control of the Lord Lieutenant as representing Her Majesty for a period of *two years* from the passing of this Act, and thereafter until any alteration is made by Act of the Legislature of Ireland, but such Act shall provide for the proper saving of all then existing interests, whether as regards pay, pensions, superannuation allowances, or otherwise.

(b.) The Royal Irish Constabulary shall, while that force subsists, continue and be subject as heretofore to the control of the Lord Lieutenant as representing Her Majesty.

(c.) The Irish Legislature may provide for the establishment and maintenance of a police force in counties and boroughs in Ireland under the control of local authorities, and arrangements may be made between the Treasury and the Irish Government for the establishment and maintenance of police reserves.

PART II.

SUPPLEMENTAL PROVISIONS.

*Powers of Her Majesty.*

Power over  
certain  
lands re-  
served to  
Her  
Majesty.

22. On and after the appointed day there shall be reserved to Her Majesty—

- (1.) The power of erecting forts, magazines, arsenals, dockyards, and other buildings for military or naval purposes ;

- (2.) The power of taking waste land, and, on making due compensation, any other land, for the purpose of erecting such forts, magazines, arsenals, dock-yards, or other buildings as aforesaid, and for any other military or naval purpose, or the defence of the realm.

*Legislative Body.*

23. If a Bill or any provision of a Bill is lost by disagreement between the two orders of the Legislative Body, and after a period ending with a dissolution of the Legislative Body, or the period of *three years*, whichever period is longest, such Bill, or a Bill containing the said provision, is again considered by the Legislative Body, and such Bill or provision is adopted by the second order and negatived by the first order, the same shall be submitted to the whole Legislative Body, both orders of which shall vote together on the Bill or provision, and the same shall be adopted or rejected according to the decision of the majority of the members so voting together.

Veto by first order of Legislative Body, how overruled.

24. On and after the appointed day Ireland shall cease, except in the event hereafter in this Act mentioned, to return representative peers to the House of Lords or members to the House of Commons, and the persons who on the said day are such representative peers and members shall cease as such to be members of the House of Lords and House of Commons respectively.

Cesser of power of Ireland to return members to Parliament.

*Decision of Constitutional Questions.*

25. Questions arising as to the powers conferred on the Legislature of Ireland under this Act shall be determined as follows:—

Constitutional questions to be submitted to Judicial Committee.

- (a.) If any such question arises on any Bill passed

- by the Legislative Body, the Lord Lieutenant may refer such question to Her Majesty in Council ;
- (b.) If, in the course of any action or other legal proceeding, such question arises on any Act of the Irish Legislature, any party to such action or other legal proceeding may, subject to the rules in this section mentioned, appeal from a decision on such question to Her Majesty in Council ;
  - (c.) If any such question arises otherwise than as aforesaid on any Act of the Irish Legislature, the Lord Lieutenant or one of Her Majesty's principal Secretaries of State may refer such question to Her Majesty in Council ;
  - (d.) Any question referred or appeal brought under this section to Her Majesty in Council shall be referred for the consideration of the Judicial Committee of the Privy Council ;
  - (e.) The decision of Her Majesty in Council on any question referred or appeal brought under this section shall be final, and a Bill which may be so decided to be, or contain a provision, in excess of the powers of the Irish Legislature shall not be assented to by the Lord Lieutenant ; and a provision of any Act which is so decided to be in excess of the powers of the Irish Legislature shall be void ;
  - (f.) There shall be added to the Judicial Committee when sitting for the purpose of considering questions under this section, such members of Her Majesty's Privy Council, being or having been Irish judges, as to Her Majesty may seem meet.
  - (g.) Her Majesty may, by Order in Council from time to time, make rules as to the cases and mode in which and the conditions under which, in pur-

suance of this section, questions may be referred and appeals brought to Her Majesty in Council, and as to the consideration thereof by the Judicial Committee of the Privy Council, and any rules so made shall be of the same force as if they were enacted in this Act.

- (h.) An appeal shall not lie to the House of Lords in respect of any question in respect of which an appeal can be had to Her Majesty in Council in pursuance of this section.

*Lord Lieutenant.*

26.—(1.) Notwithstanding anything to the contrary contained in any Act of Parliament, every subject of Her Majesty shall be eligible to hold and enjoy the office of Lord Lieutenant of Ireland, without reference to his religious belief.

Office of  
Lord  
Lieutenant

(2.) The salary of the Lord Lieutenant shall continue to be charged on the Consolidated Fund of the United Kingdom, and the expenses of his household and establishment shall continue to be defrayed out of moneys to be provided by Parliament.

(3.) All existing powers vested by Act of Parliament or otherwise in the Chief Secretary for Ireland may, if no such officer is appointed, be exercised by the Lord Lieutenant until other provision is made by Act of the Irish Legislature.

(4.) The Legislature of Ireland shall not pass any Act relating to the office or functions of the Lord Lieutenant of Ireland.

*Judges and Civil Servants.*

27. A Judge of the Supreme Court of Judicature or other superior court of Ireland, or of any county court

Judges to be  
removable



only on  
address.

or other court with a like jurisdiction in Ireland, appointed after the passing of this Act, shall not be removed from his office except in pursuance of an address to Her Majesty from both orders of the Legislative Body voting separately, nor shall his salary be diminished or right to pension altered during his continuance in office.

Provision as  
to judges  
and other  
persons  
having  
salaries  
charged  
on the Con-  
solidated  
Fund.

28.—(1.) All persons who at the passing of this Act are judges of the Supreme Court of Judicature or county court judges, or hold any other judicial position in Ireland, shall, if they are removable at present on address to Her Majesty of both Houses of Parliament, continue to be removable only upon such address from both Houses of the Imperial Parliament, and if removable in any other manner shall continue to be removable in like manner as heretofore; and such persons, and also all persons at the passing of this Act in the permanent civil service of the Crown in Ireland whose salaries are charged on the Consolidated Fund of the United Kingdom, shall continue to hold office and to be entitled to the same salaries, pensions, and superannuation allowances as heretofore, and to be liable to perform the same or analogous duties as heretofore; and the salaries of such persons shall be paid out of the moneys carried to the customs and excise account under this Act, or if these moneys are insufficient, out of the Irish Consolidated Fund, and if the same are not so paid, shall continue charged on the Consolidated Fund of the United Kingdom.

(2.) *If any of the said persons retires from office with the approbation of Her Majesty before he has completed the period of service entitling him to a pension, it shall be lawful for Her Majesty, if she thinks fit, to grant to that person such pension, not exceeding the*

*pension to which he would have been entitled if he had completed the said period of service, as to Her Majesty seems meet.*

29.—(1.) All persons not above provided for and at the passing of this Act serving in Ireland in the permanent civil service of the Crown shall continue to hold their offices and receive the same gratuities and superannuation allowances as heretofore, and shall be liable to perform the same duties as heretofore or duties of similar rank, but any of such persons shall be entitled at the expiration of *two years* after the passing of this Act to retire from office, and at any time if required by the Irish Government shall retire from office, and on any such retirement shall be entitled to receive such payment as the Treasury may award to him in accordance with the provisions contained in the Fourth Schedule to this Act.

As to persons holding civil service appointments.

(2.) The amount of such payment shall be paid to him out of the moneys carried to the customs and excise account under this Act, or, if those moneys are insufficient, out of the Irish Consolidated Fund, *and so far as the same are not so paid shall be paid out of moneys provided by Parliament.*

(3.) The Pensions Commutation Act, 1871, shall apply to all persons who, having retired from office, are entitled to any annual payment under this section, in like manner as if they had retired in consequence of the abolition of their offices.

34 & 35 Vict.  
c. 36.

(4.) This section shall not apply to persons who are retained in the service of the Imperial Government.

30. Where before the passing of this Act any pension or superannuation allowance has been granted to any person on account of service as a judge of the Supreme

Provision for existing pensions and super-

annuation  
allowances.

Court of Judicature of Ireland or of any court consolidated into that court, or as a county court judge, or in any other judicial position, or on account of service in the permanent civil service of the Crown in Ireland otherwise than in some office the holder of which is, after the passing of this Act, retained in the service of the Imperial Government, such pension or allowance, whether payable out of the Consolidated Fund or out of moneys provided by Parliament, shall continue to be paid to such person, and shall be so paid out of the moneys carried to the customs and excise account under this Act, or, if such moneys are insufficient, out of the Irish Consolidated Fund, and so far as the same is not so paid, shall be paid as heretofore out of the Consolidated Fund of the United Kingdom or moneys provided by Parliament.

#### *Transitory Provisions.*

Transitory  
provisions in  
schedule.

31. The provisions contained in the Fifth Schedule to this Act relating to the mode in which arrangements are to be made for setting in motion the Irish Legislative Body and Government and for the transfer to the Irish Government of the powers and duties to be transferred to them under this Act, or for otherwise bringing this Act into operation, shall be of the same effect as if they were enacted in the body of this Act.

#### *Miscellaneous.*

Post Office  
and savings  
banks.

32. Whenever an Act of the Legislature of Ireland has provided for carrying on the postal and telegraphic service with respect to the transmission of letters and telegrams in Ireland, and the post office and other savings banks in Ireland, and for protecting the officers then in such service, and the existing depositors in

such post-office savings banks, the Treasury shall make arrangements for the transfer of the said service and banks, in accordance with the said Act, and shall give public notice of the transfer, and shall pay all depositors in such post-office savings banks who request payment within *six months* after the date fixed for such transfer, and after the expiration of such *six months* the said depositors shall cease to have any claim against the Postmaster-General or the Consolidated Fund of the United Kingdom, but shall have the like claim against the Consolidated Fund of Ireland, and the Treasury shall cause to be transferred in accordance with said Act the securities representing the sums due to the said depositors in post-office savings banks and the securities held for other savings banks.

33. Save as otherwise provided by the Irish Legislature— Audit.

(a.) The existing law relating to the Exchequer and the Consolidated Fund of the United Kingdom shall apply to the Irish Exchequer and Consolidated Fund, and an officer shall from time to time be appointed by the Lord Lieutenant to fill the office of the Comptroller-General of the receipt and issue of Her Majesty's Exchequer and Auditor-General of public accounts so far as respects Ireland; and

(b.) The accounts of the Irish Consolidated Fund shall be audited as appropriation accounts in manner provided by the Exchequer and Audit Departments Act, 1866, by or under the direction of the holder of such office.

29 & 30 Vict.  
c. 39.

34.—(1.) The privileges, immunities, and powers to be held, enjoyed, and exercised by the Irish Legislative Application  
of parlia-

mentary  
law.

Body, and the members thereof, shall be such as are from time to time defined by Act of the Irish Legislature, but so that the same shall never exceed those at the passing of this Act held, enjoyed, and exercised by the House of Commons, and by the members thereof.

(2.) Subject as in this Act mentioned, all existing laws and customs relating to the members of the House of Commons and their election, including the enactments respecting the questioning of elections, corrupt and illegal practices, and registration of electors, shall, so far as applicable, extend to elective members of the first order and to members of the second order of the Irish Legislative Body.

Provided that—

(a.) The law relating to the offices of profit enumerated in Schedule H. to the Representation of the People Act, 1867, shall apply to such offices of profit in the government of Ireland not exceeding ten, as the Legislature of Ireland may from time to time direct :

(b.) After the first dissolution of the Legislative Body, the Legislature of Ireland may, subject to the restrictions in this Act mentioned, alter the laws and customs in this section mentioned.

Regulations  
for carrying  
Act into  
effect.

35.—(1.) The Lord Lieutenant of Ireland may make regulations for the following purposes :—

(a.) The summoning of the Legislative Body and the election of a speaker, and such adaptation to the proceedings of the Legislative Body of the procedure of the House of Commons as appears to him expedient for facilitating the conduct of business by that body on their first meeting ;

- (b.) The adaptation of any law relating to the election of representative peers ;
- (c.) The adaptation of any laws and customs relating to the House of Commons or the members thereof to the elective members of the first order and to members of the second order of the Legislative Body ; and
- (d.) The mode of signifying their assent or election under this Act by representative peers or Irish members of the House of Commons as regards becoming members of the Irish Legislative Body in pursuance of this Act.

(2.) Any regulations so made shall, in so far as they concern the procedure of the Legislative Body, be subject to alteration by Standing Orders of that Body, and so far as they concern other matters, be subject to alteration by the Legislature of Ireland, but shall, until alteration, have the same effect as if they were inserted in this Act.

36. Save as is in this Act provided with respect to matters to be decided by Her Majesty in Council, nothing in this Act shall affect the appellate jurisdiction of the House of Lords in respect of actions and suits in Ireland, or the jurisdiction of the House of Lords to determine the claims to Irish peerages.

Saving of  
powers of  
House of  
Lords.

37. Save as herein expressly provided all matters in relation to which it is not competent for the Irish Legislative Body to make or repeal laws shall remain and be within the exclusive authority of the Imperial Parliament save as aforesaid, whose power and authority in relation thereto shall in nowise be diminished or restrained by anything herein contained.

Saving of  
rights of  
Parliament.

38.—(1.) Except as otherwise provided by this Act,

Continuance  
of existing  
laws, courts,  
officers, &c.

all existing laws in force in Ireland, and all existing courts of civil and criminal jurisdiction, and all existing legal commissions, powers, and authorities, and all existing officers, judicial, administrative, and ministerial, and all existing taxes, licence, and other duties, fees, and other receipts in Ireland shall continue as if this Act had not been passed; subject, nevertheless, to be repealed, abolished, or altered in manner and to the extent provided by this Act; provided that, subject to the provisions of this Act, such taxes, duties, fees, and other receipts shall, after the appointed day, form part of the public revenues of Ireland.

(2.) The Commissioners of Inland Revenue and the Commissioners of Customs, and the officers of such Commissioners respectively, shall have the same powers in relation to any articles subject to any duty of excise or customs, manufactured, imported, kept for sale, or sold, and any premises where the same may be, and to any machinery, apparatus, vessels, utensils, or conveyance used in connexion therewith, or the removal thereof, and in relation to the person manufacturing, importing, keeping for sale, selling, or having the custody or possession of the same as they would have had if this Act had not been passed.

Mode of  
alteration  
of Act.

39.—(1.) On and after the appointed day this Act shall not, except such provisions thereof as are declared to be alterable by the Legislature of Ireland, be altered except—

- (a.) by Act of the Imperial Parliament and with the consent of the Irish Legislative Body testified by an address to Her Majesty, or
- (b.) by an Act of the Imperial Parliament, for the passing of which there shall be summoned to the

House of Lords the peerage members of the first order of the Irish Legislative Body, and if there are no such members then twenty-eight Irish representative peers elected by the Irish peers in manner heretofore in use, subject to adaptation as provided by this Act; and there shall be summoned to the House of Commons such one of the members of each constituency, or in the case of a constituency returning four members such two of those members, as the Legislative Body of Ireland may select, and such peers and members shall respectively be deemed, for the purpose of passing any such Act, to be members of the said House of Parliament respectively.

(2.) For the purposes of this section it shall be lawful for Her Majesty by Order in Council to make such provisions for summoning the said peers of Ireland to the House of Lords and the said members from Ireland to the House of Commons as to Her Majesty may seem necessary or proper, and any provisions contained in such Order in Council shall have the same effect as if they had been enacted by Parliament.

40. In this Act—

Definitions.

The expression "the appointed day" shall mean such day after the *thirty-first day of March in the year one thousand eight hundred and eighty-seven* as may be determined by order of Her Majesty in Council.

The expression "Lord Lieutenant" includes the lords justices or any other chief governors of Ireland for the time being.

The expression "Her Majesty the Queen," or "Her Majesty," or "the Queen," includes the heirs and successors of Her Majesty the Queen.



The expression "Treasury," means the Commissioners of Her Majesty's Treasury.

The expression "Treaty," includes any convention or arrangement.

The expression "existing," means existing at the passing of this Act.

The expression "existing constituency" means any county or borough, or division of a county or borough, or a University, returning at the passing of this Act a member or members to serve in Parliament.

The expression "duties of excise" does not include a duty received in respect of any license whether for the sale of intoxicating liquors or otherwise.

The expression "financial year" means the twelve months ending on the *thirty-first day of March*.

Short title  
of Act.

41. This Act may be cited for all purposes as the Irish Government Act, 1886.

#### FIRST SCHEDULE.

##### FIRST ORDER OF THE IRISH LEGISLATIVE BODY.

Electoral Districts	Number of Members	Rotation

#### SECOND SCHEDULE.

##### PROVISIONS RELATING TO THE FIRST ORDER OF THE IRISH LEGISLATIVE BODY.

## THIRD SCHEDULE.

BOUNDARIES OF DIVISIONS OF THE CITY OF CORK FOR THE PURPOSE OF  
RETURNING MEMBERS TO THE SECOND ORDER OF THE LEGISLATIVE  
BODY.

## FOURTH SCHEDULE.

PROVISIONS AS TO SUPERANNUATION ALLOWANCES OF PERSONS IN THE  
PERMANENT CIVIL SERVICE.

## FIFTH SCHEDULE.

TRANSITORY PROVISIONS.

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III.

## COPY OF A RESOLUTION

*Carried in the HOUSE OF COMMONS OF CANADA, on THURSDAY, MAY 6th, 1886, and forwarded to the MEMBERS OF HOUSE OF COMMONS OF GREAT BRITAIN AND IRELAND, by SIR CHARLES TUPPER, the High Commissioner for Canada, in accordance with the terms thereof.*

That the Commons of Canada desire to express their deep and abiding interest in the prosperity and happiness of their fellow-subjects in Ireland, and their adhesion to the sentiments expressed in the Joint Address to Her Majesty of both Houses of the Canadian Parliament passed in the Session of 1882. That in such Address Parliament suggested that Canada and its inhabitants had prospered exceedingly under a federal system, allowing to each province of the Dominion considerable powers of self-government, and expressed a hope that, if consistent with the integrity and well-being of the Empire,

and if the rights and status of the minority were fully protected and secured, some means might be found of meeting the expressed desires of so many of Her Majesty's Irish subjects in that regard. That, in answer to the said Address, the then Secretary of State for the Colonies was commanded to state that Her Majesty will always gladly receive the advice of the Parliament of Canada in all matters relating to the Dominion and the administration of its affairs, but with respect to the questions referred to in the Address, Her Majesty will, in accordance with the Constitution of this country, have regard to the advice of the Imperial Parliament and Ministers, to whom all matters relating to the affairs of the United Kingdom exclusively appertain. That this House, having reference to the tenor of the said answer, does not deem it expedient again to address Her Majesty on the subject, but earnestly hopes that such a measure, or such measures, may be adopted by the Imperial Parliament as will, while preserving the integrity and well-being of the Empire, and the rights and status of the minority, be satisfactory to the people of Ireland, and permanently remove the discontent so long unhappily prevailing in that country. That this resolution be transmitted to the High Commissioner for Canada for the information of the Members of the House of Commons of the United Kingdom.

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